E/2001/22
E/C.12/2000/21

# COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

## REPORT ON THE TWENTY-SECOND, TWENTY-THIRD AND TWENTY-FOURTH SESSIONS

(25 April - 12 May 2000, 14 August-1 September 2000, 13 November-1 December 2000)

## ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS, 2001

## SUPPLEMENT No. 2

UNITED NATIONS

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**NOTE**

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## ABBREVIATIONS

| | |
|---|---|
| AIDS | Acquired immunodeficiency syndrome |
| FAO | Food and Agriculture Organization of the United Nations |
| GDP | Gross domestic product |
| GNP | Gross national product |
| HIV | Human immunodeficiency virus |
| ILO | International Labour Organization |
| IMF | International Monetary Fund |
| IOM | International Organization for Migration |
| OSCE | Organization for Security and Cooperation in Europe |
| UNAIDS | Joint United Nations Programme on HIV/AIDS |
| UNCTAD | United Nations Conference on Trade and Development |
| UNDP | United Nations Development Programme |
| UNESCO | United Nations Educational, Scientific and Cultural Organization |
| UNFPA | United Nations Population Fund |
| UNHCR | Office of the United Nations High Commissioner for Refugees |
| UNICEF | United Nations Children's Fund |
| WHO | World Health Organization |
| WIPO | World Intellectual Property Organization |
| World Bank | International Bank for Reconstruction and Development |
| WTO | World Trade Organization |

# CHAPTER I

# Organizational and other matters

## A. States parties to the Covenant

1. As at 1 December 2000, the closing date of the twenty-fourth session of the Committee on Economic, Social and Cultural Rights, 144 States had ratified or acceded to the International Covenant on Economic, Social and Cultural Rights, which was adopted by the General Assembly in resolution 2200 A (XXI) of 16 December 1966 and opened for signature and ratification in New York on 19 December 1966. The Covenant entered into force on 3 January 1976 in accordance with the provisions of its article 27. A list of States parties to the Covenant is contained in annex I to the present report.

## B. Sessions and agenda

2. The Committee on Economic, Social and Cultural Rights, at its twelfth session, requested the Economic and Social Council to authorize the holding of two annual sessions of the Committee, in May and November-December, each of three weeks' duration, in addition to a pre-sessional working group of five members to meet for five days immediately after each session to prepare the list of issues for consideration at the subsequent session. The Council, by its resolution 1995/39 of 25 July 1995, endorsed the Committee's recommendation.

3. At its twentieth session, held in Geneva from 26 April to 14 May 1999, the Committee, in response to Economic and Social Council decision 1998/293, reconsidered its requests from the sixteenth session in 1996 (extraordinary additional session, holding of the nineteenth session of the Committee in New York, payment of honoraria to members of the Committee, extraordinary session of the pre-sessional working group).[1] After careful discussion, the Committee resolved to proceed further with only one request, to which it accords highest priority, namely the Committee decided to invite the Council to approve an additional regular session to be held in New York.

4. The Economic and Social Council, having considered at its substantive session of 1999 the recommendation made by the Committee, adopted on 30 July 1999 decision 1999/287, consequently approved by General Assembly resolution 54/251 (Part IV) of 23 December 1999, concerning additional extraordinary sessions of the Committee. By this decision, the Council, concerned that existing meeting arrangements for the Committee no longer permitted it to fully discharge its responsibilities under the Covenant and Council resolution 1985/17 in an efficient and timely manner, approved the holding of two additional three-week extraordinary sessions of

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[1] See *Official Records of the Economic and Social Council, 1998, Supplement No. 2* (E/1998/22-E/C.12/1997/10), chap. I, draft decisions I to IV.

the Committee, as well as corresponding pre-sessional meetings of the working group of one week's duration during 2000 and 2001, respectively. The Council also requested that those sessions be entirely used for the consideration of reports of the States parties in order to reduce the backlog of reports, and requested the Committee to consider ways and means to improve the efficiency of its working methods and to report to the Council in 2001 on the actions taken in this regard.

5. Accordingly, in 2000, the Committee held its twenty-second session from 25 April to 12 May, its twenty-third (extraordinary) session from 14 August to 1 September and its twenty-fourth session from 13 November to 1 December. All sessions were held at the United Nations Office at Geneva. The agenda for each session is shown in annex III to the present report.

6. An account of the Committee's deliberations at its twenty-second, twenty-third and twenty-fourth sessions is contained in the relevant summary records (E/C.12/2000/SR.1-27,* E/C.12/2000/SR.28-55 and E/C.12/2000/SR.56-84 respectively).

### C. Membership and attendance

7. All members of the Committee except Mr. Kenneth Osborne Rattray attended the twenty-second session. All members of the Committee attended the twenty-third session. Mr. Paul Hunt, Mr. Eibe Riedel, Mr. Ariranga Govindasamy Pillay and Mr. Kenneth Osborne Rattray attended only part of this session. All members of the Committee, except Mr. Dumitru Ceausu, attended the twenty-fourth session. Mr. Philippe Texier attended only part of this session.

8. The following specialized agencies and United Nations organs were represented by observers at the twenty-second session: FAO, ILO, IMF, UNAIDS, UNCTAD, UNDP, UNESCO, UNHCR, UNICEF, WHO, WIPO, World Bank and WTO; at the twenty-third session: FAO, ILO, UNCTAD, UNESCO, UNHCR, UNICEF, WHO, WIPO, World Bank and WTO; and at the twenty-fourth session: UNCTAD, UNEP, UNESCO, UNHCR, WHO, WIPO, and WTO.

9. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers at the twenty-second session:

*General consultative status*: International Confederation of Free Trade Unions, World Federation of United Nations Associations.

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* The twenty-second session concluded with the 26th meeting; as a result, the 27th meeting was not held.

*Special consultative status*: American Association of Jurists, Commonwealth Medical Association, Habitat International Coalition, Inclusion International, International Centre for Human Rights and Economic Development, International Commission of Jurists, International Federation of Human Rights Leagues, International League for the Rights and Liberation of Peoples, International Organization for the Development of Freedom of Education, Physicians for Human Rights, World Organization Against Torture.

*Roster*: American Association for the Advancement of Science, FIAN - Foodfirst Information and Action Network, International Baccalaureate Organization, International Council of Nurses.

and at the twenty-third session:

*General consultative status*: International Confederation of Free Trade Unions, World Federation of United Nations Associations.

*Special consultative status*: Amnesty International, American Association of Jurists, Centre on Housing Rights and Evictions, Habitat International Coalition, Inclusion International, International Commission of Jurists, International Federation of Human Rights Leagues, International Federation Terre des Hommes, International League for the Rights and Liberation of Peoples, International Organization for the Development of Freedom of Education, International Service for Human Rights, New Humanity, Women's International League for Peace and Freedom, World Organization Against Torture, World University Service.

*Roster*: American Association for the Advancement of Science, FIAN - Foodfirst Information and Action Network, International Baccalaureate Organization, World Association for the School as an Instrument of Peace.

and at its twenty-fourth session:

*Special consultative status*: Aboriginal and Torres Strait Islander Commission, American Association of Jurists, Centre for Economic and Social Rights, Centre on Housing Rights and Evictions, Habitat International Coalition, Inclusion International, International Commission of Jurists, International

Federation of Human Rights Leagues, International Federation of University Women, International Human Rights Internship Programme, International Organization for the Development of Freedom of Education, World Lutheran Federation, World Organization Against Torture.

*Roster*: American Association for the Advancement of Science, FIAN - Foodfirst Information and Action Network.

10. The following national and international non-governmental organizations were represented by observers at the twenty-second, twenty-third and twenty-fourth sessions: 3D Associates, Centro de Proteção Internacional de Direitos Humanos (Brazil), Contextos Latinoamericanos para la Promoción de los Derechos Económicos, Sociales y Culturales (Switzerland), Comissão de Direitos Humanos da Câmera dos Deputados (Brazil), Department of Political Science, University of Hawai'i (United States of America), Escritório Nacional Zumbi dos Palmares (Brazil), Finnish League for Human Rights, Foundation of Aboriginal and Islander Research Action (Australia), Hong Kong Human Rights Commission, Institut Interdisciplinaire d'Ethique et des Droits de l'Homme University of Fribourg (Switzerland), International Anti-Poverty Law Center (United States of America), International Centre for Human Rights and Democratic Development, International Women's Rights Action Watch (United States of America), Jordan Society for Human Rights, Kingsford Legal Center - Faculty of Law at the University of New South Wales (Australia), League of Human Rights (Belgium), Ligue italienne des droits de l'homme, Mandat International (Switzerland), Movimento Nacional de Direitos Humanos (Brazil), Rights and Humanity, Sovereign Union of First Nations Peoples of Australia, Victorian Council of Social Service (Australia), Welfare Rights Centre (Australia).

## D. Pre-sessional working group

11. The Economic and Social Council, in its resolution 1988/4 of 24 May 1988, authorized the establishment of a pre-sessional working group composed of five members to be appointed by the Chairperson to meet for up to one week prior to each session. By decision 1990/252 of 25 May 1990, the Council authorized the meetings of the working group to be held one to three months prior to a session of the Committee.

12. The Chairperson of the Committee, in consultation with the members of the Bureau, designated the following individuals as members of the pre-sessional working group to meet:

*Prior to the twenty-second session*:

Mr. Mahmoud Samir AHMED
Mr. Ivan ANTANOVICH
Ms. María de los Ángeles JIMÉNEZ BUTRAGUEÑO
Mr. Jaime MARCHÁN ROMERO
Mr. Nutan THAPALIA

*Prior to the twenty-third session*:

Ms. Virginia BONOAN-DANDAN
Mr. Óscar CEVILLE
Mr. Abdessatar GRISSA
Ms. María de los Ángeles JIMÉNEZ BUTRAGUEÑO
Mr. Valeri KOUZNETSOV

*Prior to the twenty-fourth session:*

Mr. Mahmoud Samir AHMED
Mr. Ivan ANTANOVICH
Mr. Waleed M. SADI
Mr. Philippe TEXIER
Mr. Javier WIMER ZAMBRANO

*Prior to the twenty-fifth session:*

Mr. Óscar CEVILLE
Ms. María de los Ángeles JIMÉNEZ BUTRAGUEÑO
Mr. Valeri KOUZNETSOV
Mr. Ariranga Govindasamy PILLAY
Mr. Nutan THAPALIA

13. The pre-sessional working group held its meetings at the United Nations Office at Geneva from 3 to 7 December 1999, from 15 to 19 May 2000, from 4 to 8 September 2000 and from 4 to 8 December 2000, respectively. All members of the working group attended its meetings. The working group identified issues that might most usefully be discussed with the representatives of the reporting States and lists of such questions were transmitted to the permanent missions of the States concerned.

### E. Officers of the Committee

14. The following members of the Committee, elected for a term of two years in accordance with rule 14 of the Committee's rules of procedure, continued to serve as members of the Committee's Bureau:

| | |
|---|---|
| *Chairperson*: | Ms. Virginia BONOAN-DANDAN |
| *Vice-Chairpersons*: | Mr. Mahmoud Samir AHMED<br>Mr. Dumitru CEAUSU<br>Mr. Eibe RIEDEL |
| *Rapporteur*: | Mr. Paul HUNT |

## F. Organization of work

*Twenty-second session*

15. The Committee considered its organization of work at its 1st meeting on 25 April 2000. In connection with this item, the Committee had before it the following documents:

(*a*) Draft programme of work for the twenty-second session, prepared by the Secretary-General in consultation with the Chairperson of the Committee (E/C.12/2000/L.1/Rev.1);

(*b*) Reports of the Committee on the work of its previous sessions*: first (E/1987/28-E/C.12/1987/5), second (E/1988/14-E/C.12/1988/4), third (E/1989/22-E/C.12/1989/5), fourth (E/1990/23-E/C.12/1990/3 and Corr.1), fifth (E/1991/23-E/C.12/1990/8 and Corr.1), sixth (E/1992/23-E/C.12/1991/4 and Add.1), seventh (E/1993/22-E/C.12/1992/2), eighth and ninth (E/1994/23-E/C.12/1993/19), tenth and eleventh (E/1995/22-E/C.12/1994/20 and Corr.1), twelfth and thirteenth (E/1996/22-E/C.12/1995/18), fourteenth and fifteenth (E/1997/22-E/C.12/1996/6), sixteenth and seventeenth (E/1998/22-E/C.12/1997/10), eighteenth and nineteenth (E/1999/22-E/C.12/1998/26) and twentieth and twenty-first sessions (E/2000/22-E/C.12/1999/11 and Corr.1).

16. In accordance with rule 8 of its rules of procedure, the Committee, at its 1st meeting, considered the draft programme of work for its twenty-second session and approved it, as amended during consideration.

*Twenty-third session*

17. The Committee considered its organization of work at its 28th meeting on 14 August 2000. In connection with this item, the Committee had before it the following documents:

(*a*) Draft programme of work for the twenty-third session, prepared by the Secretary-General in consultation with the Chairperson of the Committee (E/C.12/2000/L.2/Rev.1);

(*b*) Reports of the Committee on the work of its previous sessions (see para. 15 (b) above).

18. In accordance with rule 8 of its rules of procedure, the Committee, at its 28th meeting, considered the draft programme of work for its twenty-third session and approved it, as amended during consideration.

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* Published as *Official Records of the Economic and Social Council.*

*Twenty-fourth session*

19. The Committee considered its organization of work at its 56th meeting on 13 November 2000. In connection with this item, the Committee had before it the following documents:

(*a*) Draft programme of work for the twenty-fourth session, prepared by the Secretary-General in consultation with the Chairperson of the Committee (E/C.12/2000/L.3/Rev.1);

(*b*) Reports of the Committee on the work of its previous sessions (see para. 15 (b) above).

20. In accordance with rule 8 of its rules of procedure, the Committee, at its 56th meeting, considered the draft programme of work for its twenty-fourth session and approved it, as amended during consideration.

## G. Next session

21. In accordance with the established schedule, the twenty-fifth session, the twenty-sixth (extraordinary) session and twenty-seventh session would take place from 23 April to 11 May, from 13 to 31 August and from 12 to 30 November 2001, respectively.

## H. States parties' reports scheduled for consideration by the Committee at its upcoming sessions

22. The Committee, at its 56th meeting on 13 November 2000, decided that the following States parties' reports would be considered at its twenty-fifth session:

*Initial reports concerning articles 1 to 15 of the Covenant*

| | |
|---|---|
| Honduras | E/1990/5/Add.40 |
| China: Hong Kong | E/1990/5/Add.43 |
| Bolivia | E/1990/5/Add.44 |

*Second periodic reports concerning articles 1 to 15 of the Covenant*

| | |
|---|---|
| Venezuela | E/1990/6/Add.19 |
| Republic of Korea | E/1990/6/Add.23 |

23. The Committee also decided that it would review the implementation of the provisions of the Covenant in Togo, which had not submitted any report at all since its ratification of the Covenant in 1984, on the basis of any information that might be available to the Committee.

24. The Committee further decided to consider the reports of the following States parties at its twenty-sixth session:

*Initial reports concerning articles 1 to 15 of the Covenant*

| | |
|---|---|
| Nepal | E/1990/5/Add.45 |

*Second periodic reports concerning articles 1 to 15 of the Covenant*

| | |
|---|---|
| Japan | E/1990/6/Add.21 and Corr.1 |
| Panama | E/1990/6/Add.24 |
| Senegal | E/1990/6/Add.25 |

*Third periodic reports concerning articles 1 to 15 of the Covenant*

| | |
|---|---|
| Syrian Arab Republic | E/1990/6/Add.23 |

*Fourth periodic reports concerning articles 1 to 15 of the Covenant*

| | |
|---|---|
| Ukraine | E/C.12/4/Add.2 |
| Germany | E/C.12/4/Add.3 |

## I. Composition of the pre-sessional working group

*Twenty-fifth session*

25. The Chairperson of the Committee designated the following members to serve on the pre-sessional working group: Mr. C. Atangana, Ms. V. Bonoan-Dandan, Mr. V. Kouznetsov, Mr. W.M. Sadi and Mr. J. Wimer Zambrano.

# CHAPTER II

## Overview of the present working methods of the Committee

26. This chapter of the Committee's report aims at providing a concise and up-to-date overview and explanation of the ways in which the Committee carries out its various functions. It is designed to make the Committee's current practice more transparent and readily accessible so as to assist States parties and others interested in the implementation of the Covenant.

27. Since its first session, in 1987, the Committee has made a concerted effort to devise appropriate working methods which adequately reflect the nature of the tasks with which it has been entrusted. In the course of its 24 sessions it has sought to modify and develop these methods in the light of its experience. These methods will continue to evolve.

### A. General guidelines for reporting

28. The Committee attaches major importance to the need to structure the reporting process and the dialogue with each State party's representatives in such a way as to ensure that the issues of principal concern to it are dealt with in a methodical and informative manner. For this purpose, the Committee has adopted detailed reporting guidelines[2] with a view to assisting States in the reporting process and improving the effectiveness of the monitoring system as a whole. The Committee strongly urges all States parties to report to it in accordance with the guidelines to the greatest extent possible. The Committee keeps its guidelines under review and they are updated when appropriate.

### B. Examination of States parties' reports

#### *1. Work of the pre-sessional working group*

29. A pre-sessional working group meets, for five days, prior to each of the Committee's sessions. It is composed of five members of the Committee nominated by the Chairperson, taking account of the desirability of a balanced geographical distribution and other relevant factors.

30. The principal purpose of the working group is to identify in advance the questions which will constitute the principal focus of the dialogue with the representatives of the reporting States. The aim is to improve the efficiency of the system and to ease the task of States' representatives by facilitating more focused preparations for the discussion.[3]

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[2] *Official Records of the Economic and Social Council, 1991, Supplement No. 3* (E/1991/23-E/C.12/1990/8), annex IV.

[3] Ibid., *1988, Supplement No. 4* (E/1988/14-E/C.12/1988/4), chap. IV, para. 361.

31. It is generally accepted that the complex nature and diverse range of many of the issues raised in connection with the implementation of the Covenant constitute a strong argument in favour of providing States parties with the possibility of preparing in advance to answer some of the principal questions arising out of their reports. Such an arrangement also enhances the likelihood that the State party will be able to provide precise and detailed information.

32. With regard to its own working methods, the working group, in the interests of efficiency, allocates to each of its members initial responsibility for undertaking a detailed review of a specific number of reports and for putting before the working group a preliminary list of issues. The decision as to how the reports should be allocated for this purpose is based in part on the areas of expertise of the member concerned. Each draft by a country rapporteur is then revised and supplemented on the basis of observations by the other members of the working group and the final version of the list is adopted by the working group as a whole. This procedure applies equally to both initial and periodic reports.

33. In preparation for the pre-sessional working group, the Committee has asked the Secretariat to place at the disposal of its members a country profile as well as all pertinent documents containing information relevant to each of the reports to be examined. For this purpose, the Committee invites all concerned individuals, bodies and non-governmental organizations to submit relevant and appropriate documentation to the Secretariat. It has also asked the Secretariat to ensure that certain types of information are regularly placed in the country files.

34. In order to ensure that the Committee is as well informed as possible, it provides opportunities for non-governmental organizations to submit relevant information to it. They may do this in writing at any time. The Committee's pre-sessional working group is also open to the submission of information in person or in writing from any non-governmental organizations, provided that it relates to matters on the agenda of the working group. In addition, the Committee sets aside part of the first afternoon at each of its sessions to enable representatives of non-governmental organizations to provide oral information. Such information should: (*a*) focus specifically on the provisions of the International Covenant on Economic, Social and Cultural Rights; (*b*) be of direct relevance to matters under consideration by the Committee; (*c*) be reliable; (*d*) not be abusive. The relevant meeting is open and provided with interpretation and press services, but is not covered by summary records.

35. The Committee has requested the Secretariat to ensure that any written information formally submitted to it by individuals or non-governmental organizations in relation to the consideration of a specific State party report is made available as soon as possible to the representative of the State concerned. The Committee therefore assumes that if any of this information is referred to during the dialogue with the State party, the latter will already be aware of the information.

36. The lists of issues drawn up by the working group are given directly to a representative of the States concerned, along with a copy of the Committee's most recent report and with a note stating the following:

> "The list is not intended to be exhaustive and it should not be interpreted as limiting or in any other way prejudging the type and range of questions which members of the Committee might wish to ask. However, the Committee believes that the constructive dialogue which it wishes to have with the representatives of the State party is greatly facilitated by making the list available in advance of the Committee's session. In order to improve the dialogue that the Committee seeks, it strongly urges each State party to provide in writing its replies to the list of issues and to do so sufficiently in advance of the session at which its report will be considered to enable the replies to be translated and made available to all members of the Committee."

37. In addition to the task of formulating the lists of issues, the pre-sessional working group is also entrusted with a variety of other tasks designed to facilitate the work of the Committee as a whole. These have included: discussing the most appropriate allocation of time for the consideration of each State report; considering the issue of how best to respond to supplementary reports containing additional information; examining draft general comments; considering how best to structure the day of general discussion; and other relevant matters.

*2. Presentation of the report*

38. In accordance with the established practice of each of the United Nations human rights treaty monitoring bodies, representatives of the reporting States are entitled, and indeed are strongly encouraged, to be present at the meetings of the Committee when their reports are examined. The following procedure is generally used: the representative of the State party is invited to introduce the report by making brief introductory comments and introducing any written replies to the list of issues drawn up by the pre-sessional working group. The Committee then considers the report on an article-by-article basis, taking particular account of the replies furnished in response to the list of issues. The Chairperson will normally invite questions or comments from Committee members in relation to each issue and then invite the representatives of the State party to reply immediately to questions that do not require further reflection or research. Other questions remaining to be answered are taken up at a subsequent meeting or, if necessary, may be the subject of additional information provided to the Committee in writing. Members of the Committee are free to pursue specific issues in the light of the replies thus provided, although the Committee has urged them not to (*a*) raise issues outside the scope of the Covenant; (*b*) repeat questions already posed or answered; (*c*) add unduly to an already long list on a particular issue; or (*d*) speak more than five minutes in any one intervention. The Chairperson and/or individual members may, if necessary, intervene concisely to indicate whenever the dialogue seems to be going off on a tangent, when responses seem to be taking an unduly long time, or when answers lack the necessary focus and precision. Representatives of relevant specialized agencies and other international bodies may also be invited to contribute at any stage of the dialogue.

39. The final phase of the Committee's examination of the report consists of the drafting and adoption of its concluding observations. For this purpose, the Committee usually sets aside a brief period in closed session, the day after the conclusion of the dialogue, to enable its members to express their preliminary views. The country rapporteur then prepares, with the assistance of the Secretariat, a draft set of concluding observations for consideration by the Committee. The agreed structure of the concluding observations is as follows: introduction; positive aspects; factors and difficulties impeding the implementation of the Covenant; principal subjects of concern; and suggestions and recommendations. At a later stage, the Committee then discusses the draft, again in private session, with a view to adopting it by consensus.

40. The concluding observations once formally adopted are usually not made public until the final day of the session, although exceptions may be made when appropriate. As soon as they are made public, they are available to all interested parties. They are forwarded as soon as possible to the State party concerned and included in the Committee's report. If it so wishes, the State party may address any of the Committee's concluding observations in the context of any additional information which it provides to the Committee.

41. In general, the Committee devotes three meetings (of three hours each) to its public examination of each global report (dealing with arts. 1-15). In addition, it generally devotes between two and three hours towards the end of the session, in private, to its discussion of each set of concluding observations.

*3. Deferrals of the presentation of reports*

42. Last-minute requests by States to defer the presentation of a report which has been scheduled for consideration at a particular session are extremely disruptive for all concerned and have caused major problems for the Committee in the past. Accordingly, the Committee's long-standing policy is not to grant such requests and to proceed with its consideration of all scheduled reports, even in the absence of a representative of the State concerned.

## C. Procedures in relation to follow-up action

43. At its twenty-first session,[4] the Committee decided that:

(*a*) In all concluding observations, the Committee will request the State party to inform the Committee, in its next periodic report, about steps taken to implement the recommendations in the concluding observations;

(*b*) Where appropriate, the Committee may, in its concluding observations, make a specific request to a State party to provide more information or statistical data at a time prior to the date that the next periodic report is due to be submitted;

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[4] On 1 December 1999 (53rd meeting).

(*c*) Where appropriate, the Committee may, in its concluding observations, ask the State party to respond to any pressing specific issue identified in the concluding observations prior to the date that the next report is due to be submitted;

(*d*) Any information provided in accordance with (*b*) and (*c*) above will be considered by the next meeting of the Committee's pre-sessional working group;

(*e*) In general, the working group could recommend one or another of the following responses to the Committee:

(i) That it take note of such information;

(ii) That it adopt specific additional concluding observations in response to that information;

(iii) That the matter be pursued through a request for further information; or

(iv) That the Committee's Chairperson be authorized to inform the State party, in advance of the next session, that the Committee will take up the issue at its next session and that, for that purpose, the participation of a representative of the State party in the work of the Committee would be welcome;

(*f*) If the information requested in accordance with (*b*) and (*c*) is not provided by the specified date, or is patently unsatisfactory, the Chairperson, in consultation with the members of the Bureau, could be authorized to follow up the matter with the State party.

44. In situations in which the Committee considers that it is unable to obtain the information it requires on the basis of the above-mentioned procedures, it may decide to adopt a different approach instead. In particular, the Committee may request that the State party concerned accept a mission consisting of one or two members of the Committee. Such a decision would be taken only after the Committee had satisfied itself that there was no adequate alternative approach available to it and that the information in its possession warranted such an approach. The purposes of such an on-site visit would be: (*a*) to collect the information necessary for the Committee to continue its constructive dialogue with the State party and to enable it to carry out its functions in relation to the Covenant; (*b*) to provide a more comprehensive basis upon which the Committee might exercise its functions in relation to articles 22 and 23 of the Covenant concerning technical assistance and advisory services. The Committee would state specifically the issue(s) with respect to which its representative(s) would seek to gather information from all available sources. The representative(s) would also have the task of considering whether the programme of advisory services administered by the Office of the United Nations High Commissioner for Human Rights could be of assistance in connection with the specific issue at hand.

45. At the conclusion of the visit, the representative(s) would report to the Committee. In the light of the report presented by its representative(s), the Committee would then formulate its own conclusions. Those conclusions would relate to the full range of functions carried out by the Committee, including those relating to technical assistance and advisory services.

46. This procedure has already been applied in relation to two States parties and the Committee considers the experience to have been a very positive one in both instances. In a case where the State party concerned did not accept the proposed mission, the Committee would consider making whatever recommendations might be appropriate to the Economic and Social Council.

### D. Procedure in response to non-submitted and considerably overdue reports

47. The Committee believes that a situation of persistent non-reporting by States parties risks bringing the entire supervisory procedure into disrepute, thereby undermining one of the foundations of the Covenant.

48. Accordingly, the Committee resolved at its sixth session to begin in due course to consider the situation concerning the implementation of the Covenant in respect of each State party whose reports are very significantly overdue. At its seventh session it resolved to begin scheduling consideration of such reports at its future sessions and to notify the States parties concerned. It began to apply this procedure at its ninth session.

49. The Committee has adopted the following procedure:

(*a*) To select States parties whose reports are very much overdue on the basis of the length of time involved;

(*b*) To notify each such State party that the Committee intends to consider the situation with respect to that country at a specified future session;

(*c*) To move, in the absence of any report, to consider the status of economic, social and cultural rights in the light of all available information;

(*d*) To authorize its Chairperson, in situations where the State party concerned indicates that a report will be provided to the Committee and upon a request from the State party, to defer consideration of the situation for one session.

### E. Day of general discussion

50. At each session, the Committee devotes one day, usually the Monday of the third week, to a general discussion of a particular right or of a particular aspect of the Covenant. The purpose is twofold: the day assists the Committee in developing in greater depth its

understanding of the relevant issues; and it enables the Committee to encourage inputs into its work from all interested parties. The following issues have been the focus of discussion: the right to adequate food (third session); the right to housing (fourth session); economic and social indicators (sixth session); the right to take part in cultural life (seventh session); the rights of the ageing and elderly (eighth session); the right to health (ninth session); the role of social safety nets (tenth session); human rights education and public information activities relating to the Covenant (eleventh session); the interpretation and practical application of the obligations incumbent on States parties (twelfth session); a draft optional protocol to the Covenant (thirteenth, fourteenth and fifteenth sessions); revision of the general guidelines for reporting (sixteenth session); the normative content of the right to food (seventeenth session); globalization and its impact on the enjoyment of economic, social and cultural rights (eighteenth session); the right to education (nineteenth session); and the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author (twenty-fourth session).

### F. Other consultations

51. The Committee has sought to coordinate its activities with those of other bodies to the greatest extent possible and to draw as widely as it can on available expertise in the fields of its competence. For this purpose, it has consistently invited individuals such as special rapporteurs of the Sub-Commission on the Promotion and Protection of Human Rights, chairpersons of Commission on Human Rights working groups and others to address it and engage in discussions.

52. The Committee has also sought to draw on the expertise of the relevant specialized agencies and United Nations organs, both in its work as a whole and, more particularly, in the context of its general discussions.

53. In addition, the Committee has invited a variety of experts who have a particular interest in, and knowledge of, some of the issues under review to contribute to its discussions. These contributions have added considerably to its understanding of some aspects of the questions arising under the Covenant.

### G. General comments

54. In response to an invitation addressed to it by the Economic and Social Council, the Committee decided to begin, as from its third session, the preparation of general comments based on the various articles and provisions of the International Covenant on Economic, Social and Cultural Rights with a view to assisting the States parties in fulfilling their reporting obligations.

55. By the end of its twenty-fourth session, the Committee and the Sessional Working Group of Governmental Experts, which existed prior to the creation of the Committee had examined 153 initial reports, 71 second periodic reports concerning rights covered by articles 6

to 9, 10 to 12 and 13 to 15 of the Covenant, and 77 comprehensive reports. This work covered a significant number of the States parties to the Covenant, which totalled 144 at the end of the twenty-fourth session. They represented all regions of the world, with different political, legal, socio-economic and cultural systems. Their reports submitted so far have illustrated many of the problems which might arise in implementing the Covenant, although they had not yet provided any complete picture of the global situation with regard to the enjoyment of economic, social and cultural rights.

56. The Committee endeavours, through its general comments, to make the experience gained so far through the examination of States' reports available for the benefit of all States parties in order to assist and promote their further implementation of the Covenant; to draw the attention of the States parties to insufficiencies disclosed by a large number of reports; to suggest improvements in the reporting procedures; and to stimulate the activities of the States parties, international organizations and the specialized agencies concerned in achieving progressively and effectively the full realization of the rights recognized in the Covenant. Whenever necessary, the Committee may, in the light of the experience of States parties and of the conclusions drawn therefrom, revise and update its general comments.

57. The Committee has so far adopted the following general comments: General Comment No. 1 (1989) on reporting by States parties; General Comment No. 2 (1990) on international technical assistance measures; General Comment No. 3 (1990) on the nature of States parties' obligations (art. 2, para. 1, of the Covenant); General Comment No. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant); General Comment No. 5 (1994) on persons with disabilities; General Comment No. 6 (1995) on the economic, social and cultural rights of older persons; General Comment No. 7 (1997) on the right to adequate housing (art. 11, para. 1, of the Covenant): forced evictions; General Comment No. 8 (1997) on the relationship between economic sanctions and respect for economic, social and cultural rights; General Comment No. 9 (1998) on domestic application of the Covenant; General Comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights; General Comment No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant); General Comment No. 12 (1999) on the right to adequate food (art. 11 of the Covenant); General Comment No. 13 (1999) on the right to education (art. 13 of the Covenant); and General Comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant).

58. At its twenty-first session, the Committee adopted the outline for drafting general comments on specific rights of the Covenant.[5] The Committee expressed its satisfaction with the quality of the draft, and noted the usefulness of the outline in assisting those drafting general comments on substantive rights. The Committee agreed that the subject matter of a particular general comment would influence the overall structure of that comment and observed that the

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[5] *Official Records of the Economic and Social Council, 2000, Supplement No. 2* (E/2000/22-E/C.12/1999/11), annex IX.

outline was not intended to be strictly adhered to. However, the outline provided useful signposts, a checklist of issues, to be considered in the process of drafting a general comment. In this respect, the outline would assist in ensuring consistency in the content, format and ambit of general comments to be adopted by the Committee. The Committee emphasized the importance of ensuring that general comments are reader-friendly and readily understandable to a broad range of readers, primarily States parties to the Covenant. The outline will assist in ensuring consistency and clarity in the structure of the general comments, thus promoting their accessibility, and strengthening the authoritative interpretation of the Covenant provided by the Committee through its general comments.

## CHAPTER III

## Submission of reports by States parties under articles 16 and 17 of the Covenant

59. In accordance with rule 58 of its rules of procedure, the Committee, at its 56th meeting on 13 November 2000, considered the status of submission of reports under articles 16 and 17 of the Covenant.

60. In that connection, the Committee had before it the following documents:

(*a*) Note by the Secretary-General on the revised general guidelines regarding the form and contents of reports to be submitted by States parties (E/C.12/1991/1);

(*b*) Note by the Secretary-General on States parties to the Covenant and the status of submission of reports as at 1 September 2000 (E/C.12/2000/10);

(*c*) Note by the secretariat on follow-up to the consideration of reports under articles 16 and 17 of the Covenant (E/C.12/2000/3).

61. The Secretary-General informed the Committee that, in addition to the reports scheduled for consideration by the Committee at its twenty-fourth session (see para. 67 below), he had received, as at 1 December 2000, the reports submitted under articles 16 and 17 of the Covenant by the following States parties:

Initial report of Honduras (E/1990/5/Add.40); second periodic reports of Venezuela (E/1990/6/Add.19) and Japan (E/1990/6/Add.21 and Corr.1); third periodic report of the Syrian Arab Republic (E/1994/104/Add.23); initial report of China (Hong Kong) (E/1990/5/Add.43); second periodic report of the Republic of Korea (E/1990/6/Add.23); initial report of Bolivia (E/1990/5/Add.44); second periodic report of Panama (E/1990/6/Add.24); fourth periodic report of Ukraine (E/C.12/4/Add.2); second periodic report of Senegal (E/1990/6/Add.25); initial report of Nepal (E/1990/5/Add.45); fourth periodic reports of Germany (E/C.12/4/Add.3), Sweden (E/C.12/4/Add.4), United Kingdom of Great Britain and Northern Ireland (overseas territories) (E/C.12/4/Add.5) and Colombia (E/C.12/4/Add.6); second periodic reports of Algeria (E/1990/6/Add.26) and France (E/1990/6/Add.27); initial report of Croatia (E/1990/5/Add.46); second periodic reports of Jamaica (E/1990/6/Add.28) and Ireland (E/1990/6/Add.29); initial report of the Czech Republic (E/1990/5/Add.47) and the second periodic report of Trinidad and Tobago (E/1990/6/Add.30).

62. In accordance with rule 57, paragraph 1, of the Committee's rules of procedure, a list of States parties is contained in annex I to the present report, together with an indication of the status of submission of their reports.

# CHAPTER IV

## Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant

*Twenty-second session*

63. At its twenty-second session, the Committee examined three reports submitted by three States parties under articles 16 and 17 of the Covenant.

64. The reports before the Committee at its twenty-second session were the following:

*Initial reports concerning articles 1 to 15 of the Covenant*

| | |
|---|---|
| Georgia | E/1990/5/Add.37 |
| Egypt | E/1990/5/Add.38 |

*Second periodic reports concerning articles 1 to 15 of the Covenant*

| | |
|---|---|
| Jordan | E/1990/6/Add.17 |

*Third periodic reports concerning articles 1 to 15 of the Covenant*

| | |
|---|---|
| Italy | E/1994/104/Add.19 |
| Portugal | E/1994/104/Add.20 |

65. At its 9th meeting, held on 1 May 2000, the Committee agreed, at the request of the Government concerned, to postpone to its twenty-fourth session consideration of the third periodic report of Portugal (E/1994/104/Add.20) and at its 15th meeting held on 4 May 2000 the Committee agreed, at the request of the Government concerned, to postpone to its twenty-third session consideration of the second periodic report of Jordan (E/1990/6/Add.17).

66. In accordance with rule 62 of the Committee's rules of procedure, representatives of all the reporting States were invited to participate in the meetings of the Committee when their reports were examined. All the States parties whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports.

*Twenty-third session*

67. At its twenty-third session, the Committee examined five reports submitted by five States parties under articles 16 and 17 of the Covenant.

68. The following reports were before the Committee:

*Initial reports concerning articles 1 to 15 of the Covenant*

| | |
|---|---|
| Sudan | E/1990/5/Add.41 |
| Kyrgyzstan | E/1990/5/Add.42 |

*Second periodic reports concerning articles 1 to 15 of the Covenant*

| | |
|---|---|
| Jordan | E/1990/6/Add.17 |

*Third periodic reports concerning articles 1 to 15 of the Covenant*

| | |
|---|---|
| Mongolia | E/1994/104/Add.21 |
| Australia | E/1994/104/Add.22 |

69. In accordance with rule 62 of the Committee's rules of procedure, representatives of all the reporting States were invited to participate in the meetings of the Committee when their reports were examined. All the States parties, with exception of Mongolia, whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports.

*Twenty-fourth session*

70. At its twenty-fourth session, the Committee considered five reports submitted by five States parties under articles 16 and 17 of the Covenant.

71. The Committee also considered the following reports:

*Second periodic reports concerning articles 1 to 15 of the Covenant*

| | |
|---|---|
| Belgium | E/1990/6/Add.18 |
| Morocco | E/1990/6/Add.20 |
| Yugoslavia | E/1990/6/Add.22 |

*Third periodic reports concerning articles 1 to 15 of the Covenant*

| | |
|---|---|
| Portugal | E/1994/104/Add.20 |

*Fourth periodic reports concerning articles 1 to 15 of the Covenant*

| | |
|---|---|
| Finland | E/C.12/4/Add.1 |

72. In a note verbale dated 15 November 2000, the Permanent Mission of Yugoslavia to the United Nations Office at Geneva requested the Committee to postpone consideration of the third periodic report of the Federal Republic of Yugoslavia and at the same time informed the

Committee of the intention of the Government of Yugoslavia to re-examine thoroughly all issues related to the implementation of the Covenant and to prepare a new report. Having considered this request, the Committee decided to have a preliminary discussion of the status of implementation of the Covenant in Yugoslavia, which took place at the 69th meeting of the Committee on 21 November 2000. The Committee, having considered and revised the list of agenda items (E/C.12/Q/YUG/1), agreed on a number of preliminary recommendations (see paras. 496-511 below) with a view to helping the State party fulfil its obligations under the Covenant and requested the State party to submit its report not later than 30 June 2002.

73. In accordance with rule 62 of the Committee's rules of procedure, representatives of all States submitting a report were invited to participate in the meetings of the Committee when their reports were considered. All States parties whose reports were considered by the Committee sent representatives to participate in the consideration of their respective reports. In accordance with a decision adopted by the Committee at its second session, the names and positions of the members of each State party's delegation are listed in annex XI to the present report.

74. At its eighth session the Committee had decided to discontinue its practice of including in its annual report summaries of the consideration of country reports. In accordance with modified rule 57 of the Committee's rules of procedure, the annual report should contain, *inter alia*, the concluding observations of the Committee relating to each State party's report. Accordingly, the following paragraphs, arranged on a country-by-country basis according to the sequence followed by the Committee in its consideration of the reports, contain the concluding observations adopted by the Committee with respect to the States parties' reports considered at its twenty-second to twenty-fourth sessions.

*Twenty-second session*

## GEORGIA

75. The Committee considered the initial report of Georgia on the implementation of the Covenant (E/1990/5/Add.37) at its 3rd to 5th meetings, held on 26 and 27 April 2000, and adopted, at its 20th and 21st meetings, held on 9 May 2000, the following concluding observations.

### A. Introduction

76. The Committee welcomes the submission of the initial report by the State party, as well as its written replies to the list of issues, presented by a delegation that included high-level officials of various ministries. The Committee welcomes in particular the constructive dialogue with the delegation, its readiness to reply to additional questions and to furnish additional information whenever available, and the candour of its replies. The State party's report was submitted in general conformity with the guidelines established by the Committee.

## B. Positive aspects

77. The Committee notes the intention of the State party to advance human rights and to comply with international human rights norms by ratifying most of the international human rights instruments, as well as various international labour conventions, after independence. In addition, the Committee acknowledges the efforts made by the Government of Georgia with a view to implementing the rights set forth in the Covenant. The Committee takes note in particular of the statement by the delegation that the Government of Georgia intends to ratify ILO Conventions No. 102 (1952) concerning minimum standards of social security and No. 118 (1962) concerning equality of treatment of nationals and non-nationals in social security.

78. The Committee notes with satisfaction that the Government of Georgia is willing to cooperate with various United Nations bodies and specialized agencies, such as ILO, IMF, UNDP, WHO and the World Bank, as well as with regional organizations such as OSCE, in order to realize the rights set forth in the Covenant, and in particular to address the problem of poverty.

79. The Committee also welcomes the fact that the State party has created governmental bodies which are concerned with the issue of human rights, such as the National Ombudsman and the Committee on Human Rights, Petitions by Citizens and the Construction of Civil Community of the Parliament of Georgia.

## C. Factors and difficulties impeding the implementation of the Covenant

80. The Committee is aware that the Government of Georgia is currently faced with the difficulties commonly encountered by countries in transition. The changes required to reform the social welfare and benefit, labour and employment, health and educational systems are considerable in economic, as well as political terms. In this respect, the Committee also recognizes the problems encountered by the State party in addressing the internal conflicts existing in certain regions of the country which have seriously hampered the State party's efforts to improve the situation of human rights for all its citizens.

## D. Principal subjects of concern

81. The Committee is concerned about the grave problem of poverty with which the Government of Georgia is confronted. Despite the efforts made by the State party, the average minimum wage is still insufficient to ensure an adequate standard of living for large parts of the Georgian population.

82. In addition, the Committee is concerned about the inadequacy of certain measures being taken to combat poverty. With regard to activities aimed at poverty reduction, there seems to be a lack of effective management in the policy-making and implementation phases, particularly with regard to the reform of the pension and taxation systems. A lack of clearly established guidelines and indicators hinders the transition process.

83. Generally, the Committee notes that the statistical data provided by the State party are insufficiently reliable to allow a clear analysis and evaluation of the various problems it is addressing, such as the level of poverty in the country, and the determination of the actual minimum subsistence level and the real poverty line.

84. The Committee considered that the lack of statistics on budget transfers from central to local government for education and health makes it impossible to have a clear view of the progress or otherwise in these fields.

85. The Committee also notes with concern the fact that workers in various sectors of the Georgian economy have not been paid on time.

86. The Committee also expresses its concern about the fact that there are no legislative provisions ensuring disabled persons access to the labour market.

87. The Committee notes with concern that women suffer more than men from unemployment and that they are under-represented in the labour force, especially in public service, including Parliament.

88. In addition, the Committee is concerned that the National Plan of Action, which aims to eliminate the inequalities faced by women in the economic and social spheres, has not yet been implemented by the State party.

89. The Committee notes with concern that the laws addressing violence against women and sexual harassment in the workplace are inadequate and insufficient.

90. The Committee also notes with concern that the number of children begging in the streets is on the increase and that many of them are drawn by adults into various types of criminal activity.

91. The Committee regrets that, given that the data provided by the State party on the housing situation, including on the occurrence of forced evictions, were insufficient, it was impossible to form a clear and comprehensive picture of the matter. In addition, the Committee deplores the failure to find a satisfactory solution to the problems concerning internally displaced persons.

92. The Committee notes with concern that there is limited knowledge among the general public with regard to reproductive health issues in general, and in particular with regard to the availability and use of contraceptives.

93. With regard to education, the Committee notes with concern that in the new secondary school curriculum there appears to be an imbalance between the amount of time devoted to military training (3 units) and to fundamentals of justice (1 unit).

## E. Suggestions and recommendations

94. The Committee notes the statement by the State party that poverty reduction is its principal priority. With regard to the policies adopted and the measures taken, the Committee suggests that the State party take into account the obligations ensuing from the Covenant, as well as the recommendations contained in the present concluding observations.

95. The Committee recommends that the State party continue to seek international technical assistance, as provided for in article 23 of the Covenant, in its efforts to improve the implementation of economic, social and cultural rights in the country.

96. In addition, the Committee recommends that the State party ensure that its international human rights obligations are taken fully into account when it enters into technical cooperation and other arrangements with international organizations. Also, the Committee urges the State party to take into account the different approaches taken by various international bodies, such as the human development approach of UNDP.

97. The Committee supports the suggestion in the UNDP *National Human Development Report Georgia 1999* that the poverty threshold level not be changed in accordance with proposals which the State party has received, as such a change would incorrectly reflect the poverty situation in the country. In this respect, the Committee urges the State party to take adequate measures to ensure that the minimum wage is sufficient to meet the basic needs of the wage earner and his or her family.

98. The Committee recommends that the State party take remedial action to ensure that workers in various sectors of the economy are paid on time.

99. The Committee also recommends that the State party undertake to adopt relevant legislation to ensure that disabled persons have greater access to the labour market.

100. Recognizing that the resources available to the State party are limited, the Committee suggests that measures be taken to concentrate their use on major priorities, such as measures to address the existing inequality between men and women in public service and the formulation of a National Plan of Action on Human Rights. In this respect, the Committee points out that international technical assistance may be requested with regard to such activities from the Office of the United Nations High Commissioner for Human Rights and UNDP.

101. The Committee urges the State party to start implementing gradually the National Plan of Action with regard to women. In addition, the Committee strongly recommends that the State party take effective measures to combat violence against women, including by adopting appropriate legislation.

102. The State party is urged to treat with more concern the growing number of children begging on the street and to take the appropriate measures to solve the problem.

103. The Committee recommends that the State party take measures to create conditions that would allow internally displaced persons to return to their places of origin.

104. The Committee recommends that the State party take steps to improve the awareness and knowledge of the public about reproductive health issues. In this regard, the Government might seek the advice and assistance of specialized agencies and bodies such as UNAIDS, UNFPA and WHO.

105. With regard to the secondary school curriculum, the Committee recommends that the State party strike an appropriate balance between the school time devoted to military training and the time devoted to civic education, including the fundamentals of justice.

106. The Committee requests that the State party include in its second periodic report on the implementation of the Covenant all available information on any measures taken and progress made, particularly with regard to the suggestions and recommendations made by the Committee in the present concluding observations.

## ITALY

107. The Committee considered the third periodic report of Italy on the implementation of the Covenant (E/1994/104/Add.19) at its 6th to 8th meetings, held on 27 and 28 April 2000, and adopted, at its 23rd and 24th meetings, held on 10 and 11 May 2000, the following concluding observations.

### A. Introduction

108. The Committee welcomes the submission of the third periodic report of the State party as well as its written replies to the list of issues that were presented by a high-level delegation comprised of officials of various ministries. However, it notes with regret the late submission of the report as well as of the written replies to the list of questions. The Committee welcomes the constructive dialogue with the delegation.

### B. Positive aspects

109. The Committee notes with appreciation the measures taken by the State party to combat organized crime. The Committee also welcomes the adoption of the immigration bill of 1998, granting one-year residence/work permits to women who have been the victims of trafficking and who denounce their exploiters, and the criminalization of trafficking of migrants under the Penal Code.

110. The Committee also notes with appreciation the approval of the *Texto Unico 286/98*, which gives foreigners regularly present on the national territory equal standing with Italian citizens regarding access to residential and public housing, and credit on favourable terms for building, acquiring or renting their first home.

111. The Committee notes with appreciation the approval of law No. 53 of 8 March 2000 which recognizes the right of the father, as well as the mother, to take leave from work to care for a child during early infancy.

112. With regard to the problem of domestic violence against women, the Committee welcomes the approval of law No. 66 of 1996, characterizing sexual violence as "a crime against the person" punishable by imprisonment.

### C. Factors and difficulties impeding the implementation of the Covenant

113. The Committee notes the socio-economic problems arising from the increase in immigration to Italy caused by the tragic events in the Balkans and the influx of persons from other regions.

### D. Principal subjects of concern

114. The Committee regrets that some of the written replies to the list of issues were insufficient, and that some oral statements made during the dialogue were too vague and general.

115. The Committee notes with concern the statement made by the State party in its written replies to the list of issues, confirmed by the delegation during its dialogue with the Committee, that only very few court rulings refer explicitly to the Covenant.

116. The Committee notes with concern that a large number of the Roma population live in camps lacking basic sanitary facilities on the outskirts of major Italian cities. The Roma on the whole live below the poverty line and are discriminated against, especially in the workplace, if and when they find work, and in the housing sector. Life in the camps has had a major negative impact on the Roma children, many of whom abandon primary and secondary schooling in order to look after their younger siblings or to go out begging in the streets in order to help increase their family income.

117. The Committee draws the attention of the State party to the concern expressed by the Committee of Experts on the Application of ILO Conventions and Recommendations regarding the transfer to local health units of the functions of the labour inspectorate with regard to prevention and occupational safety and health. The Committee is concerned that such transfer may create a problem of coordination. The Committee also regrets that the delegation did not answer the question put to it on this matter.

118. The Committee is alarmed by the high rate of accidents in the workplace and draws the attention of the State party to the concern expressed by the Committee of Experts on the Application of ILO Conventions and Recommendations, which has repeatedly drawn the Government's attention to the need to adopt legal regulations and policies on the prevention of accidents in the workplace, and in particular in the ports.

119. The Committee regrets the insufficiency of the information provided by the State party concerning the social security system, especially considering that the Committee's previous concluding observations[6] on Italy had signalled a lack of information on article 9 of the Covenant in the State party's second periodic report.

120. While commending the State party for its efforts to combat violence against women, the Committee remains concerned that the Government has not yet devised a comprehensive, coordinated and concerted strategy to address this serious problem.

121. While also commending the State party for the many initiatives taken to combat organized crime, the Committee remains concerned at the extent of trafficking of women and children, sexual abuse of minors and child pornography in Italy.

122. The Committee notes with concern that there are still substantial economic and social inequalities between the northern and southern parts of the country, which impact negatively on the situations of women, young people, children and disadvantaged and marginalized groups.

123. The Committee notes with regret that in Italy, asylum-seekers have access to subsidized health care only in emergency situations. The Committee points out that this policy is not in compliance with the provisions of the Covenant.

124. With respect to education, the Committee notes with concern the high rate of young people dropping out of secondary education. In addition, the Committee is concerned about the phenomenon of functional illiteracy. The Committee regrets not having had a clear answer to its question on this issue during the dialogue.

125. The Committee is concerned about the controversial proposal in the State party's school education reform programme to give private schools some public funding.

### E. Suggestions and recommendations

126. The Committee encourages the Government of Italy, as a member of international organizations, in particular IMF and the World Bank, to do all it can to ensure that the policies and decisions of those organizations are in conformity with the obligations of States parties to the Covenant, in particular the obligations contained in article 2, paragraph 1, concerning international assistance and cooperation.

127. The Committee recommends that the State party organize briefings for judges to familiarize them with the provisions of the Covenant and the general comments adopted by the Committee.

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[6] See *Official Records of the Economic and Social Council, 1993, Supplement No. 2* (E/1993/22-E/C.12/1992/2), chap. VI, para. 188.

128. The Committee recommends that the State party ratify the 1961 Convention on the Reduction of Statelessness.

129. The Committee recommends that the State party step up its efforts to improve the situation of the Roma population, *inter alia* by replacing camps with low-cost houses; by legalizing the status of Roma immigrants; by setting up employment and educational programmes for parents; by giving support to Roma families with children at school; by providing better education for Roma children; and by strengthening and implementing anti-discrimination legislation, especially in the employment and housing sectors.

130. The Committee calls upon the State party to implement the recommendations made by the Committee of Experts on the Application of ILO Conventions and Recommendations concerning the decentralization of labour inspection. The Committee would appreciate detailed information about the system of labour inspections in the next periodic report.

131. The Committee calls upon the State party to take effective measures to ensure that workers enjoy safe working conditions. In particular, the Committee recommends that the State party adopt measures, including legislation, on the prevention of accidents, particularly in the ports, and ratify ILO Convention No. 152 (1979) concerning occupational safety and health in dock work. The Committee also recommends that the State party ratify ILO Conventions No. 174 (1993) concerning the prevention of major industrial accidents and No. 175 (1994) concerning part-time work.

132. The Committee encourages the State party to ratify, as planned, ILO Convention No. 159 (1983) concerning vocational rehabilitation and employment (disabled persons). The Committee would appreciate information from the Ministry of Labour in the next periodic report on the number of cases dealt with by the courts under the legislation on disability.

133. The Committee recommends that the State party devise a national strategy to combat violence against women, the elements of which should include data collection, enactment of relevant legislation, training courses for and sensitizing of the police forces and the judiciary, establishment of refuges for battered women and public awareness-raising campaigns.

134. The Committee recommends that the State party devise a comprehensive, coordinated and concerted national strategy to combat trafficking in women and children, sexual abuse of minors and child pornography by organized crime.

135. The Committee recommends that the State party seriously address the persistent problem of economic and social disparities existing between the northern and southern parts of Italy, which have a negative effect on the situations of women, young persons, children and disadvantaged and marginalized groups.

136. The Committee recommends that the State party step up its efforts to assist those living under the poverty line, the majority of whom are women.

137. The Committee invites the State party to address, in its next periodic report, the issue of the cost of medication under the privatized system and the measures the State party is taking to combat the negative effects this may have on the health of vulnerable groups. The Committee would also like more information about the results of the latest completed National Health Plan, especially with regard to older persons and other vulnerable groups.

138. The Committee urges the State party to extend the subsidized health-care system to asylum-seekers without discrimination.

139. The Committee recommends that the State party draw up a national strategy and plan of action to address the significant problems relating to school drop-outs and youth unemployment.

140. The Committee would like to receive information on the extent of the phenomenon of functional illiteracy in Italy.

141. With regard to the public funding of private schools, the Committee reminds the State party that any such funding must be without discrimination on any of the prohibited grounds.

142. The Committee recommends that the State party distribute these concluding observations widely. The Committee invites the State party to inform the Committee about the implementation of these concluding observations in Italy's next periodic report.

## EGYPT

143. The Committee considered the initial report of Egypt on the implementation of the Covenant (E/1990/5/Add.38) at its 12th and 13th meetings, held on 2 and 3 May 2000, and adopted, at its 24th to 26th meetings, held on 11 and 12 May 2000, the following concluding observations.

### A. Introduction

144. The Committee welcomes the submission of the initial report of Egypt, which has been prepared in conformity with the revised reporting guidelines established by the Committee. The Committee also welcomes the written replies to its list of issues, and expresses its appreciation for the constructive dialogue between the Committee members and the government delegation. The Committee regrets, however, that the replies by the delegation to a number of questions raised by Committee members were incomplete.

### B. Positive aspects

145. The Committee acknowledges the general progress made by the State party in recent years in implementing economic, social and cultural rights. In particular, the Committee commends Egypt for the striking improvements in its educational system, as cited by UNICEF, and for its achievements towards eradicating illiteracy, for which Egypt has received an award from UNESCO.

146. The Committee notes with appreciation the State party's recent efforts with regard to the protection of women's human rights, such as the adoption of a new divorce law improving the position of women.

147. The Committee welcomes the stand taken by the Supreme Constitutional Court of Egypt which invoked the provisions of the Covenant to acquit rail workers who had been prosecuted for going on strike in 1986 and declared that the Penal Code should be amended to allow the right to strike.

148. The Committee commends the State party for the efforts it has made with a view to ensuring effective implementation of the right to health, particularly by establishing, throughout the country, including in remote urban and rural settlements, a network of primary health-care units and centres.

149. The Committee notes with satisfaction that the State party has undertaken new and effective measures to introduce environment-and health-friendly fuel, beginning with the public transportation systems in major cities where pollution is a grave threat to life and health.

150. The Committee also expresses its appreciation for the holding of an Arab regional seminar on human rights and development in Cairo in June 1999, and notes that the Government has developed with UNDP a pilot project for capacity-building in human rights which was launched in June 1999 and which focuses on the right to development.

151. The Committee also expresses appreciation for the support of the government delegation for the Statement of the Committee on Economic, Social and Cultural Rights to the Third Ministerial Conference of the World Trade Organization[7] (held in Seattle from 30 November to 3 December 1999), that international human rights obligations should be a matter of priority concern and therefore should be taken into account in trade negotiations.

### C. Factors and difficulties impeding the implementation of the Covenant

152. The Committee is of the view that the state of emergency that has been in place in Egypt since 1981 limits the scope of implementation of constitutional guarantees for economic, social and cultural rights; that some aspects of structural adjustment programmes and economic liberalization policies introduced by the Government of Egypt, in concert with international financial institutions, have impeded the implementation of the Covenant's provisions, particularly with regard to the most vulnerable groups of Egyptian society; and that the persistence of traditional practices and attitudes, deeply entrenched in Egyptian society, with regard to women and children hamper the ability of the Government to protect and promote their economic, social and cultural rights.

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[7] *Official Records of the Economic and Social Council, 2000, Supplement No. 2* (E/2000/22-E/C.12/1999/11), annex VII.

153. The discrepancies between available resources and the actual needs of the people are becoming increasingly marked given the climatic and geographical conditions in the country and the rapid increase in the population. These factors impede the full enjoyment of economic, social and cultural rights in the country.

## D. Principal subjects of concern

154. The Committee regrets the lack of clarity concerning the legal status of the Covenant in the Egyptian domestic legal order.

155. The Committee expresses its grave concern about the considerable divergence in Egypt between the constitutional provisions on the one hand and the national legislation and practice on the other, with respect to the societal status of women in general, women's participation in political life, the provisions in criminal law with respect to adultery, and female genital mutilation. Moreover, the Committee is concerned about the divergence between law and practice with regard to the occurrence of child labour.

156. The Committee regrets that the State party does not take its obligations under the Covenant into account in its negotiations with international financial institutions.

157. The Committee regrets the lack of information and reliable statistics which has hampered its full assessment of the situation in Egypt with regard to, *inter alia,* poverty, unemployment and female genital mutilation. The Committee is particularly concerned about the absence of an officially established poverty line.

158. The Committee notes with concern that although the State party has undertaken initial steps against the practice of female genital mutilation in Egypt by criminalizing it outside of hospitals by persons without a medical qualification, this measure does not make its practice by medical practitioners a criminal offence. The Committee further notes with concern that the percentage of women who are victims of female genital mutilation remains alarmingly high: WHO statistics for 1995[8] showed an estimated 97 per cent prevalence.

159. Although the Committee welcomes the efforts by the State party in promoting equality of men and women through a new divorce law, it notes with concern that the new law contains provisions that may disadvantage women. In addition, the Committee notes with concern that the Nationality Law does not grant equal citizenship status to children of Egyptian women married to non-nationals.

160. The Committee is disturbed about the apparent inability of the Government to address the acute problem of unemployment in Egypt as well as the uncertainty of workers' rights as guaranteed under article 8 of the Covenant. In particular, the Committee notes with concern that in spite of the Supreme State Security Court's conclusion that the Penal Code should be amended to allow the right to strike, article 124 of the Penal Code continues to characterize strikes as

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[8] See WHO, *Female Genital Mutilation: An Overview*, 1998, p. 13.

criminal offences. In this regard, the Committee further expresses its concern about the new proposed labour law that reportedly contains provisions infringing upon the rights of workers, such as barring labour committees from negotiating collectively on behalf of workers and denying workers the right to strike without the approval of two thirds of a trade union's membership.

161. The Committee is deeply concerned that Law No. 153 of 1999 (Law on Civil Associations and Institutions, popularly called the "non-governmental organizations Law") does not conform to article 8 of the Covenant and contradicts article 55 of the 1971 Egyptian Constitution affirming the right of citizens to form associations, and gives the Government control over the right of non-governmental organizations to manage their own activities, including seeking external funding.

162. The Committee notes with concern that the problem of domestic violence against women is not being sufficiently addressed and that marital rape is not criminalized.

163. The Committee is deeply concerned over reports that children under 12 years of age work more than six hours daily in the agricultural sector, which deprives them of their right to education. In addition, reports also claim that children between 8 and 15 years of age work in cotton gins in the Nile Delta under unfavourable conditions without lunch or rest breaks, and have no protection under Egyptian law particularly with regard to work-related injuries and diseases.

164. The Committee is concerned about the massive housing problems faced by the Egyptian population, as acknowledged by the delegation of Egypt, and which have been exacerbated by the deregulation of rents and an acute shortage of low-cost housing. Furthermore, forced evictions without alternative housing or compensation being provided have been occurring in poor communities like the potters' village and the Ayn Hilwan area in Cairo. The Committee is particularly concerned that in Cairo people who cannot afford housing are living in cemeteries. Unofficial statistics estimate their numbers to be between 500,000 and 1 million.

165. The Committee regrets the insufficiency of information with regard to the situation of persons with mental illnesses and disabilities and the relevant legal regime, including safeguards against abuse and neglect.

166. The Committee notes with concern that despite the achievements of Egypt in the field of education, inequality of access to education between boys and girls, high drop-out rates for boys and high illiteracy rates among adults, particularly women, persist.

167. The Committee is gravely concerned over the official censorship imposed on the media, as well as literary and artistic works.

### E. Suggestions and recommendations

168. The Committee urges the State party to firmly establish the legal status of the Covenant in Egyptian legal order, and to ensure that the provisions of the Covenant can be invoked before the courts.

169. The Committee strongly urges the State party, notwithstanding the declaration made upon ratification of the Covenant, to undertake a comprehensive review of its legislation as soon as possible, with a view to amending laws that contradict the provisions of its own Constitution and of the Covenant.

170. The Committee strongly recommends that Egypt's obligations under the Covenant should be taken into account in all aspects of its negotiations with international financial institutions, such as IMF, the World Bank and WTO, to ensure that economic, social and cultural rights, particularly of the most vulnerable groups, are not undermined.

171. The Committee strongly recommends that an up-to-date national plan of action for human rights in accordance with the Vienna Declaration and Programme of Action,[9] be developed in Egypt, and requests the State party to include a copy of the plan in its second periodic report to the Committee.

172. The Committee urges the State party to establish a national human rights institution which is in full conformity with the Paris Principles.[10]

173. The Committee strongly urges the State party to seek assistance, including international cooperation, in order to collect the statistics and information necessary to formulate effective strategies to address problem areas such as unemployment, poverty, housing and forced evictions.

174. The Committee strongly urges the State party to address the problem of female genital mutilation as a matter of high priority with a view to moving actively towards the total eradication of this practice in the country. The Government is encouraged to seek technical assistance from WHO in this regard.

175. The Committee recommends that the Government undertake to review the provisions of the new divorce law with a view to removing all provisions that discriminate against women and place them at a disadvantage. The Committee also recommends that the Nationality Law, which discriminates against children born to Egyptian women married to non-nationals, be revised.

176. The Committee calls upon the State party, in accordance with its obligations under article 8 of the Covenant and the Constitution of Egypt, which affirms the right of citizens to form their own organizations, to amend or repeal Law No. 153.

177. The State party must enhance its strategies and programmes aimed at combating domestic violence. In this regard, the Committee urges the State party to criminalize marital rape and also to combat this problem through information campaigns and educational programmes.

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[9] Adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993 (A/CONF.157/24 (Part One)), chap. III.

[10] General Assembly resolution 48/134, annex.

178. The Committee urges the State party to take steps towards establishing stronger labour laws in order to protect children from abusive working conditions and to undertake immediate measures towards the eradication of illegal child labour.

179. The Committee urges the State party to combat the acute housing shortage by adopting a strategy and a plan of action and by building or providing, low-cost rental housing units, especially for the vulnerable and low income groups. In this connection, the Committee reminds the State party of its obligations under article 11 of the Covenant and refers to its General Comments No. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant) and No. 7 (1997) on forced evictions, to guide the Government's housing policies.

180. The Committee urges the State party to ensure that its laws, policies and practices in relation to HIV/AIDS are non-discriminatory and in full conformity with the International Guidelines adopted at the Second International Consultation on HIV/AIDS and Human Rights in September 1996.[11]

181. The Committee requests the State party to provide more information in its second periodic report about the mentally ill, including how many are hospitalized, the facilities available to them, and the legal safeguards for the protection against abuse and neglect of patients.

182. The Committee urges the State party to undertake measures to address the economic, social and cultural factors that are the root causes of the problem of inequality of access to education, high drop-out rates for boys and high illiteracy rates among adults, in particular women. The Committee requests particular attention to be devoted to these concerns in the next report.

183. The Committee calls upon the Government of Egypt to respect the freedom indispensable for creative activity, including in the media, as provided for under article 15, paragraph 3, of the Covenant.

184. The Committee requests the State party to provide updated information, including statistics, on unemployment, the situation of women, including FGM, poverty, housing and homeless persons in its second periodic report, which is to be submitted by 30 June 2003.

185. The Committee requests that the State party distribute these concluding observations as widely as possible among its citizens.

## REPUBLIC OF THE CONGO

186. The Committee considered, at its 16th and 17th meetings, held on 5 May 2000, the state of implementation by the Republic of the Congo of the economic, social and cultural rights contained in the Covenant and adopted, at its 21st and 22nd meetings, held on 9 and 10 May 2000, the following concluding observations.

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[11] United Nations publication, Sales No.: E.98.XIV.1.

## A. Review of the implementation of the Covenant in relation to States parties which have failed to report

187. At its seventh session, the Committee on Economic, Social and Cultural Rights decided to proceed to a consideration of the state of implementation of the International Covenant on Economic, Social and Cultural Rights in a number of States parties which, despite many requests to do so, had not fulfilled their reporting obligations under articles 16 and 17 of the Covenant.

188. Under the reporting system established by the Covenant, States parties report to the competent monitoring body, i.e. the Committee on Economic, Social and Cultural Rights, and through it to the Economic and Social Council, on the measures which have been adopted, the progress made, and the difficulties encountered in complying with the rights recognized in the Covenant. Non-compliance by a State party with its reporting obligations, in addition to constituting a breach of the Covenant, creates a serious obstacle to the fulfilment of the Committee's functions. Nevertheless, the Committee still has to perform its supervisory role, and it must do so on the basis of all reliable information available to it.

189. Hence, in situations where a Government has not supplied the Committee with any information on its compliance with its obligations under the Covenant, the Committee has to base its observations on a variety of materials from both intergovernmental and non-governmental sources. While the former provide mainly statistical information and important economic and social indicators, the information gathered from the relevant academic literature, from non-governmental organizations and from the press tends, by its very nature, to be more critical of the political, economic and social conditions in the countries concerned. Under normal circumstances, the constructive dialogue between a reporting State party and the Committee will provide an opportunity for the Government to present its own views and to seek to refute any criticism, and to demonstrate to the Committee that its policy conform to the requirements of the Covenant.

## B. Introduction

190. While fully understanding the difficulties the Republic of the Congo is presently encountering in its efforts to comply with its reporting obligations under the Covenant, the Committee recalls that the Republic of the Congo has been a party to the Covenant since 5 January 1984 and has not yet submitted its initial report.

191. The Committee expresses its appreciation for the presence, at its 16th and 17th meetings, of a high-level delegation, which engaged in a constructive dialogue with the Committee. The Committee also appreciates the openness and candour with which the delegation replied to questions from the Committee members, and its willingness to provide information to the best of its ability. Nevertheless, the Committee wishes to emphasize that the presence of the delegation and its dialogue with the Committee, in the absence of a written report, cannot be considered as compliance with the State party's obligation to submit a written report under articles 16 and 17 of the Covenant.

192. Bearing in mind the difficult general situation in the Republic of the Congo, the Committee deems it necessary to confine its concluding observations to an assessment of its dialogue with the Congolese delegation with respect to the current status of economic, social and cultural rights in the country. The Committee further considers that, in view of the failure of the State party to submit a written report, as well as the need for technical assistance to be offered to the State party to enable it to comply with its reporting obligations, the Committee's concluding observations can only be of a very preliminary nature.

### C. Factors and difficulties impeding the implementation of the Covenant

193. The Committee takes note of the violent political unrest that has plagued the Republic of the Congo intermittently since its independence. The consequences of this political unrest have been disastrous for the situation in the country in general, and on the enjoyment of economic, social, cultural, civil and political human rights in particular.

194. The Committee also takes into account the massive population displacements caused by the violence during the 1997-1999 civil war, which seriously disrupted the functioning of the State public services, economic activity and social stability. The damage inflicted by the civil war has been tentatively estimated at approximately 55 per cent of the gross domestic product projected for 2000.

195. The Committee is also aware of the negative impacts of the fluctuation in oil revenues and of the State-led development policies on the present financial situation of the Republic of the Congo.

196. The Committee is particularly concerned that the external debt was estimated to be over 5 billion United States of America dollars at the end of 1998 which, for a population of 2.9 million people, amounted to a per capita debt of almost US$ 1,700.

### D. Positive aspects

197. The Committee notes with satisfaction that two agreements to cease hostilities were signed between the Government and the various militia groups in November and December 1999, and expresses the hope that the process of national reconciliation that has been initiated will bring about political and social stability and will allow economic, social and cultural rights to be respected to a greater degree.

198. The Committee commends the State party for its ratification in November 1999 of a considerable number of basic international labour conventions: ILO Conventions No. 81 (1947) concerning labour inspection in industry and commerce, No. 98 (1949) concerning the application of the principles of the right to organize and to bargain collectively, No. 100 (1951) concerning equal remuneration for men and women workers for work of equal value, No. 105 (1957) concerning the abolition of forced labour, No. 111 (1958) concerning discrimination in respect of employment and occupation, No. 138 (1973) concerning the minimum age for admission to employment and No. 155 (1981) concerning occupational safety and health in the working environment.

199. The Committee expresses its satisfaction at the return to their places of origin of a large number of internally displaced persons and hopes that this process will continue in a peaceful manner.

200. The Committee notes with appreciation that at the request of the Government, specialized agencies such as FAO, ILO, IMF, WHO and the World Bank, as well as the Office of the United Nations High Commissioner for Human Rights and UNDP, are assisting the Republic of the Congo in addressing its innumerable problems, as follows:

(*a*) In 1998, the IMF decided to provide the Republic of the Congo with a special post-conflict recovery credit of 10 million United States of America dollars; the IMF also indicated that health, education and social spending were at the top of the expenditure priority list;

(*b*) WHO has undertaken a number of humanitarian activities relating, *inter alia*, to the following: emergency epidemiological surveillance in the 21 areas with internally displaced persons in Brazzaville; technical support for water and sanitation and for the provision of essential medicines; and technical support for decontaminating blood banks and provision of safe blood supplies;

(*c*) FAO is presently carrying out four operational projects in the Republic of the Congo, of which three are technical cooperation programmes funded by FAO, relating to the provision of urgent agricultural inputs, rehabilitation of agricultural statistical systems and supporting legislation on the fauna. The fourth project is concerned with the provision of urgent agricultural inputs and support for coordination, funded by the Government of Sweden.

### E. Principal subjects of concern

201. The Committee expresses its deep concern regarding the abrogation of the Constitution in October 1997 by the Government of President Denis Sassou Nguesso, resulting in a legal vacuum which has been detrimental to the enjoyment of economic, social and cultural rights by the citizens of the Republic of the Congo. The Fundamental Act, which was adopted to replace the Constitution, cannot guarantee the enjoyment of these rights.

202. The Committee is equally concerned about discrimination against women. Marriage and family laws overtly discriminate against women (for instance, adultery is illegal for women but, in certain circumstances, not for men; while the Legal Code provides that 30 per cent of the deceased husband's estate goes to the wife, in practice the wife often loses all rights of inheritance). Domestic violence, including rape and beatings, is widespread but rarely reported, and there are no legal provisions for punishing the offenders. Furthermore, despite the provision in Congolese legislation that endorses the principle of equal pay for equal work, women in the formal sector are under-represented and encounter discriminatory promotion patterns. Women in rural areas are especially disadvantaged in terms of education and employment conditions, including wages.

203. With regard to ethnic minorities, the Committee has discerned a similar pattern. The Pygmies do not enjoy equal treatment in the predominantly Bantu society. Pygmies are severely marginalized in the areas of employment, health and education, and are usually considered socially inferior.

204. The Committee is gravely concerned about a number of labour-related issues in the Congo. As a result of the abrogation of the Constitution, many constitutional provisions concerning the right to work and to just and favourable conditions of work are not in effect, such as provisions prohibiting forced and bonded labour by children under the age of 16 and those providing for reasonable pay, paid holidays, periodic paid vacation and legal limits on allowable hours of work.

205. The Committee is also concerned about the negative effects on the food supply of the violence, population displacements and disruption of production and marketing activities, as noted by FAO. Import requirements for the year 2000 in respect of wheat, rice and coarse grains are expected to be approximately 140,000 tonnes, accounting for 97 per cent of total consumption. The *UNDP Human Development Report, 1999* indicates that the daily per capita intake of food in the Republic of the Congo was 2,107 calories, which is just below the level for countries categorized as having a low human development ratio (2,145 calories). The proportion of the undernourished among the population has increased from 29 per cent in the period 1979-1981 to 34 per cent in 1995-1997.

206. The Committee expresses its grave concern regarding the decline of the standard of health in the Congo. The AIDS epidemic is taking a heavy toll on the country, while the ongoing financial crisis has resulted in a serious shortage of funds for public health services, and for improving the water and sanitation infrastructure in urban areas. The war has caused serious damage to health facilities in Brazzaville. According to a joint study by WHO and UNAIDS, some 100,000 Congolese, including over 5,000 children, were affected by HIV at the beginning of 1997. More than 80,000 people are thought to have died from AIDS, with 11,000 deaths reported in 1997 alone. Some 45,000 children are said to have lost either their mother or both parents as a result of the epidemic.

207. In addition, the Committee is concerned that as a result of the violence and the ensuing massive displacements, epidemics of diseases such as cholera and diarrhoea have occurred. Furthermore, owing to the disruption to the infrastructure of the country, including transportation and communications, humanitarian aid organizations have limited access to displaced groups outside Brazzaville.

208. The Committee is profoundly dissatisfied with the education system in the Congo. Although the Congo used to have quite a developed education system, that has seriously deteriorated as a result of economic mismanagement, the shortage of resources and political unrest. According to the delegation, there are fewer children enrolling in school, a shortage of teachers and teaching materials, and the school buildings are in a deplorable state.

## F. Suggestions and recommendations

209. The Committee draws the State party's attention to the fact that the Covenant creates a legal obligation for all States parties to submit their initial and periodic reports and that the Republic of the Congo has been in breach of this obligation for many years.

210. The Committee urges the State party to adopt a Constitution, in order to ensure that the people of the Republic, and particularly the most vulnerable and marginalized groups of society, enjoy their economic, social and cultural rights. The State party should also take appropriate measures, to guarantee, *inter alia*, the prohibition of discrimination, the elimination of forced or bonded labour, particularly of children under 16 years of age, and conditions for the enjoyment of the right to work, such as equal pay for equal work for men and women. The Committee would like to point out that these issues should be brought to the attention of ILO, with which the Government of the Republic of the Congo is presently negotiating concerning follow-up measures to recently ratified ILO Conventions and possible technical cooperation programmes.

211. The Committee urges the State party to address the inequalities affecting women in society with a view to eliminating them, *inter alia* by adopting and enforcing appropriate legislative and administrative measures.

212. The Committee also urges the State party to adopt measures in order to fully integrate Pygmies into Congolese society, so that they may fully enjoy their economic, social and cultural rights.

213. The Committee strongly urges the State party to pay immediate attention to and take action with respect to the grave health situation in its territory, with a view to restoring the basic health services, in both urban and rural areas, and to preventing and combating HIV/AIDS and other communicable diseases such as cholera and diarrhoea. The Committee also encourages the Government to work closely with WHO and UNAIDS in its efforts to cope with these problems.

214. The Committee urges the State party to pay due attention to the rehabilitation of the educational infrastructure by allocating the necessary funds for teachers' salaries, teaching materials and school building repairs. It also recommends that the State party withdraw its reservation to article 13, paragraphs 3 and 4, of the Covenant.

215. In accordance with article 2, paragraph 1, and article 23 of the Covenant, the specialized agencies are invited to provide the Committee with supplementary information and comments relating to the status and enjoyment of economic, social and cultural rights in the Republic of the Congo.

216. The Committee encourages the State party to consult with UNDP and other appropriate agencies and programmes about the availability of advisory services and technical cooperation in relation to the formulation and implementation of a coherent and comprehensive plan of action for the promotion and protection of human rights. Such a plan should include effective mechanisms for monitoring and evaluating its realization.

217. The Committee supports the request by the Government addressed to FAO for a Special Programme for Food Security to facilitate access to food through small-scale low-cost agricultural projects. The Committee notes that a new project formulation mission is planned for the near future to support the national team in the initial preparations for such a programme. The Republic of the Congo can also take advantage of the FAO South-South Cooperation Initiative, which involves the exchange of knowledge, expertise and experience between developing countries.

218. The Committee recommends that the Government of the Republic of the Congo avail itself of the advisory services of the Office of the United Nations High Commissioner for Human Rights so that it may submit, as soon as possible, a comprehensive report on the implementation of the Covenant in conformity with the Committee's revised guidelines and with particular emphasis on the issues raised and concerns expressed in the present concluding observations.

219. The Committee looks forward to the submission of the initial report by the Republic of the Congo and hopes that the constructive dialogue with the Committee, as well as the information provided by the various specialized agencies and programmes, will be of use to the Government in complying with its obligations as a State party to the Covenant.

*Twenty-third session*

## JORDAN

220. The Committee considered the second periodic report of Jordan on the implementation of the Covenant (E/1990/6/Add.17) at its 30th to 33rd meetings, held on 15 and 16 August 2000, and adopted, at its 50th meeting, held on 29 August 2000, the following concluding observations.

### A. Introduction

221. The Committee welcomes the submission of the report of the State party, as well as its written replies to the list of issues (E/C.12/Q/JOR/1). While appreciating the delegation's efforts to address the questions posed, the Committee nevertheless regrets that some of the questions were not answered satisfactorily.

### B. Positive aspects

222. The Committee notes with satisfaction the sustained efforts by the State party, aimed at improving economic performance and modernizing the political and social structure in Jordan, taking into account its obligations under the Covenant.

223. As a demonstration of Jordan's commitment to furthering the human rights of its people, the Committee welcomes the State party's ratification of major international human rights treaties and notes the various initiatives pursued by the State party in the area of human rights, including the development of a national human rights plan of action.

224. The Committee notes with satisfaction that the State party hosts a relatively large number of refugees, and has a good record of respect for and compliance with its international commitments in this regard.

225. The Committee welcomes the decree of March 2000 on the establishment of the National Committee for Human Rights.

226. The Committee welcomes the significant achievements of the State party in the area of health, despite its economic problems. In particular, the Committee notes the State party's progress in achieving many of the goals laid down in the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s adopted by the World Summit for Children, held in New York in 1990.

227. The Committee further welcomes the State party's commitment towards improving access to education, especially for girls.

### C. Factors and difficulties impeding the implementation of the Covenant

228. The Committee takes note of the relatively large number of refugees living since 1948 within the borders of the State party and of the effect of persistent conflicts in the region on its capacity to promote the country's economic and cultural development.

229. The Committee notes the effect of the scarcity of water in Jordan on its capacity to fulfil its obligations under the Covenant.

### D. Principal subjects of concern

230. Although the Covenant is purported to have the force of law and to take precedence over all legislation except the Constitution, the Committee observes that 25 years have passed since ratification and the Covenant has not yet been published in the *Official Gazette*.

231. The Committee is concerned that the State party has given little attention to incorporation of relevant provisions of the Covenant in its legislation.

232. While noting the detailed information provided in the report on the constitutional and legislative provisions relating to the implementation of the Covenant, the Committee regrets the insufficiency of information in the report on the effectiveness of these measures. Furthermore, the absence of any information on complaints concerning violations of these rights, as well as the lack of lawsuits in this regard, may indicate the low awareness of the Covenant among judges, lawyers and the public at large.

233. The Committee is concerned about traditional and stereotypical attitudes towards the roles and responsibilities of women and men in Jordanian society.

234. The Committee is concerned about discriminatory treatment under the civil law, such as restrictions on the right of Jordanian women married to foreign men to pass on their nationality to their children.

235. Despite the establishment of the Family Protection Unit and other efforts to address domestic violence, the Committee remains concerned that violence against women remains a serious problem in Jordan. In particular, the Committee notes with concern that marital rape is not criminalized.

236. The Committee expresses its concern at the fact that crimes against women perpetrated in the name of honour go unpunished.

237. The Committee notes with concern the persistence of relatively high levels of unemployment and poverty in the country.

238. The Committee is concerned that non-Jordanian workers are exempted from minimum wage provisions, are denied participation in trade union activities and are excluded from the social security system.

239. The Committee is concerned that the 1996 Labour Code does not provide any protection for persons working in family-owned and agricultural enterprises, and domestic labour. It is precisely with respect to work in these areas that protection is most needed because it often involves hazardous working conditions, and largely female and child workers.

240. The Committee expresses its concern at the extent of the restrictions imposed on the right of public-sector employees, notably those working in the health and educational services, to participate in trade union activities. Furthermore, the Committee is concerned that section 100 of the Labour Code pre-empts the right of workers to strike.

241. The Committee expresses its concern regarding incidents of forced eviction, particularly in the principal urban areas of the country.

### E. Suggestions and recommendations

242. The Committee recommends that the State party expedite the publication of the Covenant in the *Official Gazette* and take the necessary action to make it enforceable in the courts, including the courts of first instance.

243. The Committee recommends that the State party monitor and evaluate the implementation of relevant legislation relating to human rights. In its subsequent reports the State party is requested to include information on: mechanisms for the receipt of complaints, and for conducting investigations and prosecutions; and statistics on subsequent decisions and their execution.

244. In the light of paragraph 71 of the Vienna Declaration and Programme of Action,[9] the Committee recommends that the State party pursue the preparation and development of a comprehensive national plan of action to implement its obligations under its international human rights obligations, including the Covenant, through an open and consultative process. The Committee requests the State party to include a copy of the national human rights plan of action and information on its implementation in its third periodic report.

245. The Committee emphasizes the importance of setting up an institution for the promotion and protection of human rights in accordance with the Paris Principles.[10] The Committee requests the State party to provide information on progress made in this regard in its next periodic report.

246. While recognizing the difficult economic conditions prevailing in Jordan, the Committee emphasizes that the implementation of economic, social and cultural rights requires consideration of a range of issues, including the equitable distribution of existing resources. The Committee emphasizes that the State party is responsible for ensuring that resources reach the most vulnerable groups and recommends that it ensure adequate resource distribution at the national and local levels.

247. Moreover, the Committee strongly recommends that obligations under the Covenant should be taken into account in all aspects of the State party's negotiations with international financial institutions, to ensure that economic, social and cultural rights, particularly of the most vulnerable groups, are not undermined.

248. The Committee recommends that the State party incorporate in its legal order the prohibited grounds of discrimination in accordance with article 2, paragraph 2, of the Covenant, in particular, race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

249. The Committee recommends that the State party take all effective legal measures to prohibit discrimination on grounds of sex in all fields of civil, political, economic, social and cultural life. The Committee recommends that the State party take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat discriminatory treatment and negative societal attitudes in this regard, particularly within the family. The Committee recommends that the State party include in subsequent reports comparative data on levels of employment, including representation of women at the various administrative levels and in areas such as law enforcement, the legal profession and the judiciary, showing developments during the reporting period.

250. The Committee recommends that the State party criminalize marital rape and provide appropriate penalties for perpetrators. Moreover, adequate procedures and mechanisms need to be established to receive complaints and monitor, investigate and prosecute instances of abuse. Attention should be given to addressing and overcoming sociocultural barriers that inhibit victims from seeking assistance. Programmes for the rehabilitation and reintegration of victims need to be strengthened.

251. The Committee recommends that the State party ensure that the Family Protection Unit is adequately resourced, its capacity strengthened and its services expanded to cover all regions of the country. The Committee recommends the training of law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of abuse. The Committee recommends that the State party continue to support and cooperate with civil society initiatives, including hotlines, shelters and counselling services.

252. The Committee recommends that the State party continue its efforts to secure the repeal of article 340 of the Penal Code.

253. The Committee recommends that the Labour Code be amended to ensure that workers in family-owned enterprises, agricultural activities and domestic labour are effectively protected, and that inspections extend to these areas.

254. The Committee emphasizes that the right of trade unions to function freely shall be subject to no restrictions "other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others". The Committee recommends that the State party ensure that restrictions contained in the Labour Code are fully in line with article 8 of the Covenant.

255. To enable the State party to monitor its compliance with article 11 of the Covenant, concerning the right to food, the Committee recommends that it systematically collect data on malnutrition, especially child malnutrition. The State party is requested to provide information in this regard in its third periodic report.

256. In accordance with article 11 of the Covenant, the Committee encourages the State party to prevent any occurrence of forced eviction. The Committee recommends that resettlement procedures and programmes include registration, facilitate comprehensive family rehabilitation and ensure access to basic services. The Committee recommends that the State party take due regard of the Committee's General Comments No. 7 (1997) on forced evictions and No. 4 (1991) on the right to adequate housing.

257. The Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the implementation of the Covenant among the public, civil society and all sectors and levels of administration. Moreover, the Committee recommends that the State party strengthen its efforts and develop systematic and ongoing training programmes on the provisions of the Covenant for professional groups, including parliamentarians, judges, lawyers and local government officials.

258. Finally, the Committee requests the State party to ensure the wide dissemination in Jordan of its present concluding observations and to inform the Committee of steps taken to implement these recommendations in its third periodic report, to be submitted on 30 June 2003.

## MONGOLIA

259. The Committee considered the third periodic report of Mongolia on the implementation of the Covenant (E/1994/104/Add.21) at its 34th to 37th meetings, held on 17 and 18 August 2000, and adopted, at its 49th meeting held on 28 August 2000, the following concluding observations.

### A. Introduction

260. The Committee welcomes the submission of the third periodic report of Mongolia, which has been prepared in conformity with the revised reporting guidelines established by the

Committee. The Committee deeply regrets the absence of the State party delegation. This absence is particularly unfortunate because the State party had submitted information for the consideration of the Committee. A constructive dialogue with the delegation would have enabled the Committee to understand more deeply the social and economic processes under way in the country.

### B. Positive aspects

261. The Committee notes with appreciation the move towards democracy in Mongolia and the recently held free and fair elections reflecting the will of the population.

262. The Committee commends the State party for the formulation of a national plan of action for human rights and notes that the State party is taking steps towards establishing a national human rights institution. The Committee also welcomes its collaboration with the Office of the United Nations High Commissioner for Human Rights, which has resulted in a number of valuable projects and activities advancing the promotion and protection of human rights in Mongolia.

263. The Committee notes with appreciation the State party's efforts to continue to enact legislation forming the basis for the implementation of human rights standards. In particular, the Committee commends the inclusion in the Constitution of an anti-discrimination clause which prohibits, *inter alia*, discrimination based on age.

264. The Committee welcomes the information provided by the State party with regard to the adoption and implementation of national strategies and policies to address the plight of various vulnerable groups, particularly women and children.

265. The Committee notes with appreciation that the State party is developing international cooperation with a view to resolving the social and economic problems of its population. The Committee notes in particular the "Poverty Partnership Agreement" signed by the State party with the Asian Development Bank. This agreement allows Mongolia to draw 40 million United States of America dollars per year for poverty reduction, the achievement of full primary education and the reduction of infant mortality rates by 50 per cent by 2005.

266. The Committee welcomes the efforts undertaken by the State party in relation to various educational initiatives, including the non-formal distance education project for women in the Gobi region.

### C. Factors and difficulties impeding the implementation of the Covenant

267. The Committee is aware that the State party is currently experiencing great difficulties in the process of transition to a market economy. These difficulties are due, *inter alia*, to the sudden interruption of economic links with the former Soviet Union, and the discontinuance of various types of assistance previously received, which accounted for almost 30 per cent of GDP in 1990. This influenced the closure or downsizing of State enterprises and gave rise to great increases in unemployment and to a serious lowering of standards of living. The

concurrent deterioration in the State party's terms of trade in international markets and the Asian economic crisis further aggravated Mongolia's economic situation. The Committee acknowledges that problems related to these matters seriously hamper the State party's ability to comply with its obligations under the Covenant.

268. The Committee also acknowledges that the existing divergence between available resources and the needs of the people is further exacerbated by the recent extreme climatic conditions prevailing in Mongolia, which also constitute a serious impediment to the enjoyment of economic, social and cultural rights in the country.

## D. Principal subjects of concern

269. The Committee expresses its concern about the negative consequences of the transition process on a large part of the Mongolian population. According to World Bank figures from 1998, 35 per cent of the population lives below the weighted national average poverty line and 18 per cent of the population is destitute. The Committee is also deeply concerned about the information submitted by the State party that the social safety nets put in place to minimize the impact of the transition have had only a limited effect in curbing the extent and depth of poverty.

270. The Committee is deeply concerned about the adverse effects of the prevailing traditional values and practices and of poverty on women. The Committee deplores the lack of facilities and the inefficiency of remedies for victims of domestic violence, which is estimated to affect a third of the country's women. The Committee is also concerned about discrimination against pregnant women and sexual harassment of women in the workplace. Furthermore, the Committee expresses concern at the absence of women at senior levels, both at work and in public office.

271. The Committee is deeply disturbed that the State party has not been able to mitigate the adverse effects of poverty on children, who represent 42 per cent of the Mongolian population. In particular, the Committee is concerned about the extent of the phenomenon of street children, whose numbers are currently estimated at 30,000, 60 per cent of whom live in Ulaanbaatar in deplorable conditions with inadequate nutrition and susceptible to disease, violence, sexual and economic exploitation, substance abuse and mental trauma.

272. The Committee regrets to learn, from information submitted by the State party and reinforced by information from FAO, about growing food insecurity among vulnerable groups such as children, the unemployed, older persons, female-headed households, pensioners and small herders. The Committee notes that this grave situation is compounded by last year's drought and this year's harsh winter, which has killed more than 2 million head of livestock.

273. The Committee is disturbed to learn about the deteriorating health situation for Mongolians since 1990 and regrets that government expenditure on health has decreased in recent years (according to the government submission, public expenditure on health fell from 5.8 per cent of GDP in 1991 to 3.6 per cent in 1998). The challenges faced by the State party include improving access to health-care services in rural areas and for the poor, the relatively low life expectancy, the increase in non-communicable and degenerative diseases, as well as sexually transmitted diseases, substance abuse, child suicide, high maternal mortality,

especially in rural areas, and limited access to contraceptives. The Committee is concerned that there is no policy response to address increasing substance abuse and child and adolescent suicide.

274. The Committee notes with concern the degrading conditions for detainees, who have been reported to suffer from overcrowding, inadequate medical care and hygiene and from malnourishment.

275. The Committee regrets to learn about the decrease in government spending on education since 1990 and the subsequent deterioration in the quality of education. The Committee is particularly concerned about the high incidence of school drop-out, most common among herder families where children have to work.

### E. Suggestions and recommendations

276. The Committee recommends that the State party provide information, in its fourth periodic report, on the exact status of the Covenant in the Mongolian national legal system.

277. The Committee encourages the State party to establish, as soon as possible, a national human rights institution which conforms to the Paris Principles.[10]

278. The Committee recommends that the State party, in its fourth periodic report, include a copy of its up-to-date human rights national plan of action for human rights, prepared in accordance with the Vienna Declaration and Plan of Action,[9] and report on its implementation.

279. The Committee recommends that the State party continue to seek international cooperation and assistance, as provided for in articles 2, paragraph 1, and 23 of the Covenant, to enhance its efforts to improve the implementation of economic, social and cultural rights in Mongolia. The Committee would appreciate information, in the fourth periodic report of Mongolia, on the status of the "Poverty Partnership Agreement" signed with the Asian Development Bank.

280. With regard to poverty, the Committee notes the national human development plan and the National Poverty Alleviation Programme established by the Government with a view to reducing poverty. The Committee urges the State party to continue to direct resources to those most in need, and to report to the Committee on the results of its efforts in the context of the programmes cited above in its fourth periodic report. In this regard, the Committee would like to remind the State party of its obligation, even under severe resource constraints, to protect the vulnerable groups of society, as stated in paragraph 12 of the Committee's General Comment No. 3 (1990) on the nature of States parties' obligations (art. 2, para. 1, of the Covenant).

281. The Committee calls on the State party to enforce efficiently in practice labour legislation prohibiting discrimination against women in employment, such as prohibition of the dismissal of pregnant women and the criminalization of sexual harassment. The Committee urges the State party to organize public campaigns to raise awareness about domestic violence, to criminalize spousal rape and to provide victims with shelters and adequate remedies.

282. The Committee urges the State party to continue to address, as a matter of urgency, the immediate nutritional needs of its population, including through international humanitarian assistance, and draws, in this regard, the attention of the State party to paragraph 14 of its General Comment No. 12 (1999) on the right to adequate food (art. 11 of the Covenant).

283. The Committee recommends that the State party continue taking steps to ensure that persons living in remote areas have progressively greater access to essential health services and, in this respect, draws the attention of the State party to its recent General Comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant). The Committee would appreciate information on a comparative basis, in the fourth periodic report of the State party, on the Health Sector Development Programme (1997) supported by the Asian Development Bank, as well as on progress made in improving the health status and health-care coverage of the population.

284. The Committee recommends that the State party seek to address, independently and through international cooperation, the problems it is facing in enhancing the quality of school curricula, and in addressing the educational difficulties confronting Mongolia, such as its high drop-out rate.

285. The Committee requests that the State party disseminate these concluding observations as widely as possible among its citizens.

286. The Committee requests the State party to address, in its fourth periodic report, the implementation of these concluding observations.

287. The Committee requests the State party to submit its fourth periodic report before 30 June 2003.

## SUDAN

288. The Committee considered the initial report of the Sudan on the implementation of the Covenant (E/1990/5/Add.41) at its 36th and 38th to 41st meetings, held on 18, 21 and 22 August 2000, and adopted, at its 53rd meeting, held on 30 August 2000, the following concluding observations.

### A. Introduction

289. The Committee welcomes the submission of the initial report of the Sudan, which has been prepared in conformity with the revised reporting guidelines it has established. The Committee appreciates the readiness of the State party to advance the date of the presentation of its initial report, from November 2000 to August 2000, indicative of the State party's willingness to cooperate with the Committee.

290. The Committee also welcomes the written replies to its list of issues (E/C.12/Q/SUD/1) and the constructive dialogue between the high-level delegation of the Sudan and the Committee members.

291. The Committee regrets, however, that some of the written and oral information given by the State party was at times unsatisfactory.

## B. Positive aspects

292. The Committee has taken due note of the expressed commitment of the State party to respect and promote human rights and the rule of law, and its expressed commitment to a process of democratization, with a view to establishing a representative and accountable government, reflecting the aspirations of the people of the Sudan, a point welcomed by the Commission on Human Rights in its resolution 2000/27 (para. 1 (*h*)).

293. The Committee notes with interest that since the fact-finding mission by the Special Rapporteur of the Commission on Human Rights on the promotion and protection of the freedom of opinion and expression in 1999 pursuant to the invitation of the State party, there has been a broader degree of freedom of expression, press and assembly, as acknowledged by competent human rights sources, also facilitating the realization of economic, social and cultural rights under the Covenant.

294. The Committee also appreciates the willingness of the State party to cooperate with the Office of the United Nations High Commissioner for Human Rights, for example by facilitating a needs assessment mission in September 1999, and to explore further the ways in which more concrete cooperation between the Office and the State party may take form, such as the establishment of an Office of the High Commissioner presence in the country.

295. The Committee notes with satisfaction the proclamation of the Constitution of the Sudan, providing for basic human rights and freedoms, which entered into force on 1 July 1998, as well as the establishment of the Constitutional Court in April 1999 and the creation of the Committee for the Eradication of Abduction of Women in May 1999 with cooperation between the State party and the international community and non-governmental organizations.

296. The Committee welcomes the Peace Agreement for the Sudan, signed in 1997, particularly since progress towards a peaceful settlement of the conflict in southern Sudan will greatly contribute to the creation of a better environment for the respect for human rights in the country.

297. The Committee also welcomes the establishment of the Sudan National Committee for the Eradication of Harmful Practices, as well as the State party's various measures to improve the status of women, to alleviate or remove some of the obstacles to their freedom to travel, the Government's active campaign against female genital mutilation and against early marriage, the encouragement of child spacing, safe motherhood, women's and children's rights and reproductive health, and measures to increase the number of women working in government service.

298. The Committee takes note of the statement by the delegation to the effect that the revenues derived from oil exploration and export in southern Sudan will be used for financing social development programmes.

299. The Committee welcomes the State party's efforts in the field of education, in particular the establishment of 16 new universities, located in each department of the country, and the increased enrolment of women at all levels of education.

300. The Committee also acknowledges with appreciation the general unconditional amnesty granted by the President in June 2000 to all government opponents, inside and outside the Sudan.

### C. Factors and difficulties impeding the implementation of the Covenant

301. The Committee regrets that, despite the Peace Agreement for the Sudan, the continuation of the war in southern Sudan is still adversely affecting the achievement of conditions conducive to the enjoyment of economic, social and cultural rights in the whole of the Sudan.

302. The Committee also notes with regret that the current economic and financial difficulties of the State party, particularly the problem of foreign debt, make it more difficult to start the much-needed process of moving towards modernization, democratization and the realization of human rights for all. The Committee has noted that the foreign debt alone amounted to over 22 billion United States of America dollars in 1998 and that, as a least developed country, the State party has insufficient resources to meet its debt servicing obligations.

303. The factors impeding the realization of economic, social and cultural rights include the great size of the country, the lack of infrastructure, such as a road network, hospitals and schools, the civil war in the south, and the economic difficulties mentioned earlier, all of which have exacerbated the difficulties preventing the State party from adequately addressing the problem of widespread poverty.

### D. Principal subjects of concern

304. The Committee notes with concern that there is a lack of clarity as to the legal status of the Covenant in the Sudanese domestic legal order, despite the incorporation in the Constitution of some provisions concerning economic, social and cultural rights, given the fact that there are a number of laws which are applicable to the different components of Sudanese society, such as the Islamic, Christian and other segments of society.

305. The Committee also notes with concern the apparent lack of clarity as to the precise status of shariah (Islamic law), its applicability, and the confusion it may lead to in cases where there may be a contradiction or discord between the narrow interpretation of the tenets of Islamic shariah and the provisions of statutory law.

306. Despite the constitutional provisions proclaiming the independence of the judiciary, the Committee is concerned that the judiciary still lacks the necessary degree of independence to guarantee the implementation and protection of economic, social and cultural rights.

307. The Committee expresses its deep concern over the considerable divergence in the Sudan between the constitutional provisions guaranteeing rights and freedoms, on the one hand, and some of the legal provisions, as well as traditional customs and practice, on the other hand. A flagrant example is the societal and legal status of women in general, the low degree of women's participation in public life and the provisions in criminal and family law regarding equality in marital relations.

308. The Committee regrets the lack of precise information and reliable comparable statistics, which has hampered its full assessment of the progressive implementation of the Covenant in the Sudan.

309. The Committee is concerned about the continuing occurrence of abductions of women and children on a large scale by different tribes.

310. Furthermore, the Committee is concerned about the fact that some restrictions on the freedoms of religion, expression and association and peaceful assembly still exist, thereby hampering the enjoyment of economic, social and cultural rights by many Sudanese.

311. The Committee is also gravely concerned about the occurrence of flagellation or lashing of women for wearing allegedly indecent dress or for being out in the street after dusk, on the basis of the Public Order Act of 1996, which has seriously limited the freedom of movement and of expression of women.

312. The Committee is concerned at the bombardment of villages and camps of the civilian population, in the war zones in southern Sudan, including the bombing of schools and hospitals. In addition, the Committee expresses its concern about the reported resort to the weapon of deprivation of food and the creation of a man-made famine as an instrument of war, coupled with the diversion of humanitarian food aid supplies from groups of the population in need.

313. The Committee is also gravely concerned about the considerable number of internally displaced persons, many of whom are women and abandoned children, who have migrated from the war zones in the south to the north, where they live in abject poverty and without adequate shelter or employment.

314. The Committee expresses its concern regarding the persisting problem of malaria, often a cause of death in the State party, as well as the increasing incidence of HIV/AIDS. A lack of medicines at affordable prices compounds these difficulties.

315. The Committee expresses its concern that the high illiteracy rate, especially among rural women, deprives the State party of the much needed economic and social contribution that Sudanese women could and should make to their society, especially if and when the State party finds its way to eliminating all aspects of discrimination against women in the Sudan.

## E. Suggestions and recommendations

316. The Committee recommends that the State party provide more detailed information on the status of the Covenant in the Sudanese domestic legal order in its second periodic report, as well as on the direct applicability of the Covenant in the courts of law.

317. The Committee also recommends that the constitutional guarantee of the independence of the judiciary be fully implemented in practice, and that the State party should safeguard the conditions that contribute to the real independence of judges.

318. In the light of the recent establishment of committees addressing specific human rights issues, the Committee encourages the State party to establish an independent national human rights institution, in accordance with the Paris Principles.[10]

319. The Committee also urges the State party to take adequate measures to enhance awareness of human rights at all levels of Sudanese society, including government officials, the judiciary, the military, and the security and police forces. The Committee recommends that the State party address this issue in the context of the current cooperation with the Office of the United Nations High Commissioner for Human Rights.

320. The Committee requests the State party to provide information on the factual situation concerning abductions in the conflict areas of the country, particularly of women and children, leading to slavery or forced labour. Moreover, the Committee encourages the Committee for the Eradication of Abduction of Women and Children to continue its work, and to move towards the identification of solutions to the problem with a view to their implementation.

321. The Committee strongly recommends that the State party reconsider existing legislation, particularly the 1996 Public Order Act, in order to eliminate discrimination against women, thereby ensuring their full enjoyment of human rights in general and economic, social and cultural rights in particular.

322. The Committee requests that the State party provide statistical data and precise information concerning the situation of poverty and the status of unemployment in the Sudan.

323. The Committee requests the State party to provide more detailed information on the status of trade unions and their activities.

324. The Committee urges the State party to address the root causes of the problem of internally displaced persons and in the short and medium term, to cooperate fully with international and non-governmental organizations in the field, in order to provide for adequate (interim) measures ensuring the basic needs of this group, such as adequate basic shelter, employment, food and health care, and the continuation of education for the children.

325. It is recommended that the State party develop specific measures to eliminate ingrained harmful traditions, customs and prejudices against women, such as female genital mutilation, the limitation of their freedom of movement and expression, and any obstacles that hinder women's full participation in society.

326. The Committee recommends that the State party monitor and evaluate the implementation of relevant legislation relating to human rights. In its subsequent reports the State party is requested to include information on: mechanisms for the receipt of complaints of alleged violations of economic, social and cultural rights; the conduct of investigations and prosecutions; and statistics on subsequent decisions, and their execution.

327. The Committee urges the State party to devote adequate attention to identifying its most urgent problems and concerns about economic, social and cultural rights under the Covenant and to formulate these priorities in a comprehensive plan of action for human rights, in which the possible measures to be taken are categorized according to feasibility of realization in terms of time and resources. The State party is encouraged to request the assistance of the Office of the United Nations High Commissioner for Human Rights in this regard.

328. Finally, the Committee requests the State party to ensure the wide dissemination in Sudan of its present concluding observations and to inform the Committee of steps taken to implement those recommendations in its second periodic report, to be submitted on 30 June 2003.

## KYRGYZSTAN

329. The Committee considered the initial report of Kyrgyzstan on the implementation of the Covenant (E/1990/5/Add.42) at its 42nd to 44th meetings, held on 23 and 24 August 2000, and adopted, at its 51st meeting, held on 29 August 2000, the following concluding observations.

### A. Introduction

330. The Committee welcomes the submission of the initial report of Kyrgyzstan, which has been prepared in general in conformity with the revised reporting guidelines established by the Committee. While commending the efforts made by the delegation from the Permanent Mission of Kyrgyzstan to the Office of the United Nations at Geneva in answering the questions put to it, the Committee regrets the absence of an expert delegation from the capital, a matter which greatly reduced the constructiveness of the dialogue.

### B. Positive aspects

331. The Committee acknowledges the efforts made by the State party to improve the macroeconomic conditions for the implementation of the rights enshrined in the Covenant, such as integration into the international economic system, the formulation of stabilization measures for 1999-2000, the 80 per cent completion of structural reforms and success in cutting back inflation. The Committee notes that there are good prospects for growth of GDP in 2000.

332. The Committee notes with appreciation the information provided by UNDP, and reiterated by the delegation, that courts in Kyrgyzstan are pursuing violations of economic and social rights.

333. The Committee notes the establishment of the Presidential Commission on Human Rights and the Parliamentary Committee on Human Rights.

334. The Committee notes with appreciation the steps taken by the State party, with the assistance of the Office of the United Nations High Commissioner for Human Rights, UNDP and OSCE, to establish an independent national human rights institution (Ombudsman's office).

335. The Committee welcomes the initiatives taken by the State party to combat poverty, including "Araket" (National Programme on Overcoming Poverty (1998-2005)), and the related government programmes to address problems of employment, older persons, women, health and education, as well as the establishment in 1998 of the National Poverty Alleviation Commission. The Committee also notes with appreciation the monitoring of the situation of poor families and the compilation of "maps of poverty".

336. The Committee welcomes "Ayalzat" (1996-2000), the national programme for the support of women, designed to enhance the role of women in society and to improve their economic and social situation.

337. The Committee also welcomes the Education for All programme, which benefits more than one third of the population.

### C. Factors and difficulties impeding the implementation of the Covenant

338. The Committee is aware that the State party is currently confronted with the difficulties commonly encountered by the countries in transition and that this process is exacerbated by the Kyrgyz economy's high level of dependence on the external economic environment, and by the diverting of resources to service the country's sizeable foreign debt.

339. The Committee also acknowledges that the ongoing armed conflict in the south of the country is a serious impediment to the implementation of economic, social and cultural rights in Kyrgyzstan.

### D. Principal subjects of concern

340. The Committee is concerned that the independence of the judiciary may be impaired in cases where the designation of high court judges is effected without full participation of the legislature. The Committee is particularly concerned to learn about cases of criminal prosecution of human rights activists, and the dissolution of the Kyrgyz Committee for Human Rights, which now operates in exile.

341. The Committee notes with concern that, according to information at the disposal of the Committee, the "tribunals of eminent persons" convened informally to discuss issues of law and order in local communities often take upon themselves the functions of the judiciary, including recommendations on the death penalty.

342. The Committee notes with concern the recent estimates of unemployment reaching 26 per cent in Kyrgyzstan. The Committee regrets that despite the efforts of the Government to raise the statutory minimum wage to match the minimum consumer budget,

the minimum wage does not provide a decent standard of living to the worker and his/her dependants. Furthermore, the Committee notes with regret that the Government is in arrears in payments of pensions and of civil servants' salaries.

343. The Committee regrets the extensive limitations on the right to strike at present in force in Kyrgyzstan. The Committee is disturbed to learn that some employers are hampering the activities of trade unions and that trade union rights in general are not protected by law as vigorously as they should be.

344. The Committee is disturbed about the reassertion of traditional attitudes towards women in Kyrgyz society. The Committee notes with concern that although polygamy is illegal, it is nonetheless practised in some regions. The Committee also notes with deep concern the re-emergence of the old tradition of bride kidnapping.

345. The Committee regrets the absence of information on the extent of violence against women and the trafficking of women in Kyrgyzstan. The Committee is also concerned at the classification of lesbianism as a sexual offence in the Penal Code.

346. The Committee notes with alarm the repressive measures taken against female journalists for their protest against inequality between men and women in Kyrgyz society. The Committee also notes with concern that the unemployment rate among women is high, and that women predominantly work in spheres characterized by low wages.

347. The Committee is deeply concerned about the high rate of poverty, estimated to affect more than 50 per cent of the population. The most affected areas are the remote southern rural areas, where persons over the age of 60, women and children, especially, suffer from poverty. In particular, the Committee is concerned about malnutrition, which mostly affects infants (19.7 per cent), children and adolescents.

348. The Committee notes the decrease in the resources available to the Government to fund social insurance, due to the need to reduce the national budget deficit.

349. The Committee is concerned that the right to adequate housing is hampered in Kyrgyzstan by the decrease in housing construction, the lack of living space for rural migrants arriving in cities, and the insufficient provision of sanitation and potable water.

350. The Committee notes with concern that, although the general state of health of the population is satisfactory, new health threats such as increasing alcoholism and drug abuse, the growing incidence of sexually transmitted diseases and the re-emergence of communicable and vaccine-preventable diseases such as tuberculosis, and above all the decreasing resources allocated to the health sector demand the State party's urgent response.

351. As regards education, the Committee is concerned about the phenomenon of children dropping out of school to provide for their families. The situation of girls is particularly alarming, as their access to education is being curtailed by a revival of the tradition of early marriage, and a decrease in the prestige of having a formal education.

## E. Suggestions and recommendations

352. The State party is urged to continue more actively the pursuit of perpetrators of human rights violations.

353. The Committee encourages the State party to establish, as soon as possible, a national human rights institution in conformity with the Paris Principles.[10]

354. The Committee also encourages the State party to elaborate and implement a national plan of action for human rights in accordance with the Vienna Declaration and Plan of Action.[9]

355. The Committee would appreciate information, in the second periodic report of the State party, on the application of labour standards in the Free Economic Zones used as export processing areas.

356. The Committee encourages the State party to review the limitations in the Labour Code on the right to strike with a view to bringing them into conformity with the Covenant. The State party is also urged to apply all legal means to put an end to the interference of employers with the freedom of trade union activity by discouraging workers from forming trade unions.

357. The Committee would appreciate information, in the State party's second periodic report, on the progress made in the implementation of "Araket" (National Programme on Overcoming Poverty (1998-2005)), and related governmental programmes. The Committee urges the State party to continue to seek international financial and technical assistance, as provided for in article 2, paragraph 1, and article 23 of the Covenant, in its efforts to improve the enjoyment of economic, social and cultural rights in Kyrgyzstan, and to continue to direct resources to those most in need. The Committee also feels strongly that Kyrgyzstan should assess the impact of its economic reforms on the well-being of the population. In this regard, the Committee would like to remind the State party of its obligation, even under severe resource constraints, to protect the vulnerable groups of society, as stated in paragraph 12 of the Committee's General Comment No. 3 (1990) on the nature of States parties' obligations (art. 2, para. 1, of the Covenant).

358. The Committee requests the State party to provide information, in its second periodic report, on the extent of violence against women and the measures taken by the Government to address this phenomenon, including facilities and remedies provided for victims. The Committee further recommends that the State party continue more actively to implement the law with regard to the practice of polygamy and bride kidnapping. The Committee recommends that the State party proceed to remove lesbianism from the Penal Code, as indicated by the delegation. The Government is advised to step up its efforts to promote the rights of women in employment.

359. The Committee requests the State party to discuss, in its second periodic report, the results of the upcoming ILO study on child labour in Kyrgyzstan and to report to the Committee on the status of ratification of ILO Convention No. 182 (1999) concerning the prohibition and immediate action for the elimination of the worst forms of child labour, as well as the practical measures taken by the State party to address the problem of child labour.

360. The Committee recommends that the right to housing be ensured to all and that problems of the lack of housing be solved in the most expedient manner possible. In this regard, the Committee wishes to draw the attention of the State party to its General Comment No. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant). The Committee also requests the State party to provide, in its second periodic report, information on the extent of homelessness in Kyrgyzstan.

361. The Committee urges the State party to continue its efforts to address the prevailing health threats, and to target progressively resources to health services. The Committee requests the State party, in its second periodic report, to provide information on how the recently adopted health laws and policies are implemented. The Committee would also appreciate statistics on the progress made by the Government in its efforts to fulfil the right to health for its population by providing comparative statistics with reference to the information given in its initial report.

362. The Committee calls upon the State party to take special care to ensure the right to education, in particular of the girl child. The Committee also requests the State party to provide information, in its second periodic report, on the extent of the phenomenon of school dropout and abandoned children, including measures taken to address the problem.

363. The Committee requests that the State party disseminate these concluding observations as widely as possible among its citizens.

364. The Committee requests the State party to address, in its second periodic report, the implementation of these concluding observations.

365. The Committee requests the State party to submit its second periodic report before 30 June 2005.

## AUSTRALIA

366. The Committee considered the third periodic report of Australia on the implementation of the Covenant (E/1994/104/Add.22) at its 45th to 47th meetings, held on 24 and 25 August 2000, and adopted, at its 55th meeting, held on 31 August 2000, the following concluding observations.

### A. Introduction

367. The Committee welcomes the submission of the third periodic report of Australia, which has been prepared in conformity with the revised reporting guidelines established by the Committee. The Committee expresses its appreciation for the readiness of the State party to advance the date of the presentation of its third periodic report, which is indicative of the State party's willingness to cooperate with the Committee.

368. The Committee welcomes the constructive dialogue which took place between the delegation of the State party and Committee members. The Committee regrets, however, that, owing to the unexpected advance of the consideration of the State party's report, the written replies to its list of issues were not available to Committee members before the dialogue. The Committee also regrets that a number of questions were not answered to its satisfaction.

## B. Positive aspects

369. The Committee acknowledges that, in general, the majority of Australians have a high standard of living and that the State party is continuing efforts to maintain this high standard of living in the country. This is supported by the fact that Australia is ranked fourth on the UNDP Human Development Index for the year 2000.

370. The Committee notes the introduction by the State party of policies for streamlining business regulation and the delivery of government services, in particular the implementation, beginning in July 2000, of the Goods and Services Tax, aimed at the reduction of income tax for the majority of working Australians.

371. The Committee commends the State party's contribution to resolving the recent Asian financial crisis.

372. The Committee notes with appreciation the State party's leadership role in maintaining peace and stability in the region, *inter alia,* by providing economic and humanitarian assistance, particularly in East Timor.

373. The Committee notes that, in August 1999, the Parliament passed a motion expressing commitment to reconciliation with the indigenous populations of Australia as an important national priority, and a deep and sincere regret for past policies that have negatively affected them. The Committee also notes that, in May 2000, the Council for Aboriginal Reconciliation presented to the Australian people its final proposals for a Document for Reconciliation towards the development of measures to improve the position of the indigenous populations of Australia.

374. The Committee notes that the State party has allocated 2.3 billion Australian dollars for giving priority to indigenous programmes.

375. The Committee welcomes the partnership between the State party and indigenous communities in initiatives aimed at providing greater access for indigenous peoples to culturally appropriate health services and allocating significant resources for the improvement of indigenous health in general.

376. The Committee notes that, despite the persistence of disparities between men and women in the field of employment, there has been an increase in the percentage of women employed at higher levels.

377. The Committee welcomes the various programmes established by the State party to address domestic violence, among them Partnerships Against Domestic Violence, the Rural and Remote Domestic Violence Initiative, the Gender and Violence Project and Crisis Payment.

## C. Factors and difficulties impeding the implementation of the Covenant

378. In spite of existing guarantees pertaining to economic, social and cultural rights in the State party's domestic legislation, the Covenant continues to have no legal status at the federal and state level, thereby impeding the full recognition and applicability of its provisions.

## D. Principal subjects of concern

379. The Committee regrets that, because the Covenant has not been entrenched as law in the domestic legal order, its provisions cannot be invoked before a court of law.

380. The Committee expresses its deep concern that, despite the efforts and achievements of the State party, the indigenous populations of Australia continue to be at a comparative disadvantage in the enjoyment of economic, social and cultural rights, particularly in the field of employment, housing, health and education.

381. The Committee notes with regret that the amendments to the 1993 Native Title Act have affected the reconciliation process between the State party and the indigenous populations, who view these amendments as regressive.

382. The Committee notes with concern that the Workplace Relations Act of 1996 favours individual negotiation with employers over collective bargaining, thereby reducing the role of the Australian Industrial Relations Commission. The Committee is also concerned about the restrictions resulting from the Act with regard to the protection of wages, job security and temporary employment.

383. The Committee notes with concern that homeworkers, who are predominantly women, do not enjoy any form of social protection and are paid substantially lower wages than the minimum wage, which compels them to work excessively long hours in order to earn enough to ensure the daily subsistence of their families.

384. The Committee notes with concern that paid maternity leave is not provided for in law or in collective labour conventions, and that the State party has not ratified ILO Convention No. 103 (revised 1952) concerning maternity protection.

385. The Committee regrets that the absence of an officially set poverty line in Australia has deprived the Committee of the criteria it needs to determine the progress achieved over time by the State party in its efforts to reduce poverty.

386. The Committee is concerned that the current Residential Tenancies Act 1987 (in New South Wales) does not provide adequate security of tenure and protection against eviction and arbitrary rent increases, and that, consequently, rents in Sydney have increased substantially and forced evictions are reported to have taken place, especially in connection with the 2000 Olympic Games.

387. The Committee expresses its deep concern that, despite the guarantees of coverage for all under the Medicare system, the problem of long waiting periods for medical services in hospitals, and in particular for surgery, has not been sufficiently addressed.

388. The Committee notes with concern that no steps have been taken to respond to its recommendation, made in its concluding observation on the second periodic report on Australia, to strengthen human rights education in formal and non-formal curricula.[12] Furthermore, while the State party has given information relating to the funding of private and public schools, it has not provided sufficient information on the difference in quality of schooling available to students in public and private schools.

## E. Suggestions and recommendations

389. The Committee strongly recommends that the State party incorporate the Covenant in its legislation, in order to ensure the applicability of the provisions of the Covenant in the domestic courts. The Committee urges the State party to ensure that no conflicts occur between Commonwealth and state law in this respect. The Committee encourages the State party to follow the High Court's position concerning "legitimate expectations" arising from the ratification of the Covenant.

390. The Committee encourages the State party to pursue its efforts in the process of reconciliation with Australia's indigenous peoples and its efforts to improve their disadvantaged situation.

391. The Committee recommends that the State party ensure that the legislative provisions concerning job security are strengthened and effectively implemented, especially for the most vulnerable groups, such as fixed-term contract workers, temporary workers and casual workers.

392. The Committee strongly recommends that the State party undertake measures to protect homeworkers and to ensure that they receive the official minimum wage, that they benefit from adequate social security and that they enjoy working conditions in conformity with the legislation.

393. The Committee recommends that the State party consider enacting legislation on paid maternity leave and ratifying ILO Convention No. 103 (revised 1952) concerning maternity protection.

394. The Committee recommends that the State party limit its prohibitions on the right to strike to essential services, in accordance with ILO Convention No. 87 (1948) concerning freedom of association and protection of the right to organize, and, in the context of the civil service, to civil servants who exercise functions of State authority.

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[12] See *Official Records of the Economic and Social Council, 1994, Supplement No. 3* (E/1994/23-E/C.12/1993/19), chap. V, para. 156.

395. The Committee recommends that the State party ensure that labour in private prisons is voluntarily undertaken and is properly remunerated.

396. The Committee requests that the State party provide, in its fourth periodic report, detailed information on the work-for-dole scheme.

397. The Committee calls upon the State party to ensure that the two-year waiting period for the receipt of social security assistance by new immigrants does not infringe upon their right to an adequate standard of living.

398. The Committee strongly urges the State party to establish an official poverty line, so that a credible assessment can be made of the extent of poverty in Australia. The Committee requests further that the State party provide information on this issue in its fourth periodic report.

399. The Committee strongly recommends that the State party, at the federal level, develop a housing strategy in keeping with the Committee's General Comments No. 4 (1991) concerning the right to adequate housing (art. 11, para. 1, of the Covenant) and No. 7 (1997) concerning forced evictions, including provisions to protect tenants from forced eviction without reasons and from arbitrary rent increases. In addition, the Committee recommends that the State party ensure that all state and territory governments establish appropriate housing policies in accordance with this strategy.

400. The Committee calls upon the State party to take effective steps to ensure that human rights education is included in primary and secondary school curricula and requests the State party in its fourth periodic report to inform the Committee of the measures taken in this regard.

401. The Committee requests the State party to provide, in its fourth periodic report, additional, more detailed information, including statistical data which is disaggregated according to age, sex and minority groups, concerning the right to work, just and favourable conditions of work, social security, housing, health and education.

402. Finally, the Committee requests the State party to ensure the wide dissemination in Australia of the present concluding observations and to inform the Committee of measures taken to implement the recommendations contained herein in its fourth periodic report, to be submitted by 30 June 2005.

*Twenty-fourth session*

## PORTUGAL

403. The Committee considered the third periodic report of Portugal on the implementation of the Covenant (E/1994/104/Add.20) at its 58th to 60th meetings, held on 14 and 15 November 2000, and, at its 73rd and 74th meetings, held on 23 and 24 November 2000, adopted the following concluding observations.

## A. Introduction

404. The Committee expresses its appreciation to the State party for the full and detailed report it submitted and for the additional information it provided orally and in writing during the constructive dialogue held by the members of the Committee and the Portuguese delegation.

## B. Positive aspects

405. The Committee commends the State party on its efforts to implement the recommendations made in connection with its second periodic report, particularly legislative measures to promote equality between men and women introduced through law No. 105/97 of 13 September 1997.

406. The Committee welcomes the fact that the State party has indicated its strong support for an optional protocol to the Covenant and has ratified the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints.

407. The Committee welcomes the State party's decision to ratify International Labour Organization Convention No. 118 (1962) concerning equality of treatment in social security for nationals and non-nationals.

408. The Committee commends the efforts the State party is making to promote the independence of East Timor and the substantial assistance it is providing to that United Nations administered territory.

## C. Factors and difficulties impeding the implementation of the Covenant

409. In the light of information submitted to it by the State party the Committee does not find any factors or particular difficulties that impede the full implementation of the Covenant.

## D. Principal subjects of concern

410. The Committee regrets that approximately one fifth of the population of the State party still lives below the poverty line and that no comprehensive study of the problem of poverty has been undertaken by the State party.

411. The Committee is concerned about the lack of a national human rights plan in accordance with the recommendation contained in paragraph 71 of the Vienna Declaration and Programme of Action.[9]

412. The Committee expresses its concern about the occurrence of child labour in breach of the State party's international obligations, in particular, its obligations under the Covenant.

413. The Committee expresses its concern about cases of intolerance and discrimination with regard to Roma people, refugees and immigrants. The Committee also notes with concern that foreign workers cannot enrol in the vocational guidance and training courses to which Portuguese workers are entitled.

414. The Committee expresses its concern at the persistence of discrimination against women in the fields of employment and equality of wages and opportunity with men. Another subject of concern is the phenomenon of violence against women, including marital violence.

415. The Committee is also concerned at the increase of trafficking in women which is linked to organized crime.

416. The Committee takes note with concern of the increase in paedophilia and child pornography. These phenomena are associated with the increase in drug trafficking and consumption and other criminal activities which endanger the security and health of the population of the State party.

417. The Committee notes with concern the relatively high school drop-out rates and the rate of high illiteracy in the State party.

### E. Suggestions and recommendations

418. The Committee urges the State party to review its general strategy for the eradication of poverty and step up its activities to combat it.

419. The Committee calls on the State party to adopt a national human rights plan in accordance with paragraph 71 of the Vienna Declaration and Programme of Action.

420. The Committee urges the State party to intensify its efforts to create a culture of tolerance and to eliminate all forms of discrimination, insofar as they affect women, Roma, asylum-seekers and immigrants.

421. The Committee urges the State party to allow foreign workers to enrol in the vocational guidance and training courses to which Portuguese workers are entitled.

422. The Committee recommends that the State party ensure stricter application of the legal provisions guaranteeing men and women equal pay for equal work.

423. The Committee suggests that the State party strictly implement the measures at its disposal to monitor and impose the appropriate penalties on persons or companies using child labour.

424. The Committee recommends that the State party intensify its efforts to prevent drug addiction among young people and impose appropriate penalties on persons who commit offences relating to paedophilia, child pornography and trafficking in women. The Committee also recommends that the State party give due consideration to ratifying ILO Convention No. 138 (1973) concerning the minimum age for admission to employment.

425. The Committee urges the State party to intensify its campaign against the persisting problem of illiteracy.

426. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society and to reflect their implementation in the next periodic report, which should be submitted by 30 June 2005.

## FINLAND

427. The Committee considered the fourth periodic report of Finland on the implementation of the Covenant (E/C.12/4/Add.1) at its 61st to 63rd meetings, held on 15 and 16 November 2000, and adopted, at its 74th and 75th meetings, held on 24 November 2000, the following concluding observations.

### A. Introduction

428. The Committee welcomes the submission of the fourth periodic report of Finland, which has been prepared in general in conformity with the revised reporting guidelines established by the Committee. The Committee notes with satisfaction the responses given in the report to its previous concluding observations.

429. The Committee expresses its appreciation for the readiness of the State party to advance the date of the consideration of its fourth periodic report, which is the first fourth periodic report received and considered by the Committee. The Committee also welcomes the timely submission of written replies to the list of issues, even at such short notice.

430. The Committee notes with satisfaction the open, candid and constructive dialogue with the members of the Finnish delegation and thanks them for the additional information that they provided to the Committee upon returning to the capital.

### B. Positive aspects

431. The Committee commends the State party on its ratification of the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints, and for its support for the draft optional protocol to the Covenant.

432. The Committee welcomes the participation of non-governmental organizations in the drafting of the State party's periodic reports on the implementation of human rights conventions.

433. The Committee notes with satisfaction the inclusion in the State party's Constitution of age as a prohibited ground of discrimination.

434. The Committee notes with appreciation the adoption by the State party of a programme on the integration of immigrants (April 1999), as well as the proposal prepared by the Ministry of Labour for a plan of action to prevent ethnic discrimination and racism. The Committee further welcomes the proposal for the establishment of an Office of Ombudsman against Ethnic Discrimination.

435. The Committee welcomes the decrease in unemployment, in general, and the fall in youth unemployment, in particular in Finland over the reporting period.

436. The Committee notes with appreciation that at the one hundred and fifty-ninth session of the UNESCO Executive Board (May 2000) Finland underlined the importance of collaboration between the Committee and UNESCO in the context of follow-up to the Dakar Framework for Action adopted by the World Education Forum (April 2000), with a view to achieving the effective realization of the right to education.

### C. Factors and difficulties impeding the implementation of the Covenant

437. The Committee notes the favourable economic conditions prevailing in Finland and observes no insurmountable factors or difficulties preventing the State party from effectively implementing the Covenant.

### D. Principal subjects of concern

438. The Committee is concerned that, while the Covenant may be directly invoked before the courts of Finland, there is no case law data suggesting that this has ever happened. In this respect, the Committee is concerned that lawyers and judges may not be sufficiently aware of the rights enshrined in the Covenant.

439. The Committee notes with concern that in 1999 Finland devoted only 0.32 per cent of its GNP to international cooperation, while the United Nations recommendation in this regard is 0.7 per cent for industrialized countries.

440. The Committee regrets that, despite the many initiatives taken by the State party to combat racial discrimination, racist attitudes prevail among the population, perpetuating discrimination against minorities and foreigners, especially in employment.

441. The Committee expresses concern about the practical enjoyment of their labour rights by the so-called "stand-by" workers who allegedly can be laid off without notice.

442. The Committee reiterates its concern, expressed in its previous concluding observations on the third periodic report of Finland,[13] that although collective agreements in some sectors of professional activity contain provisions for the determination of minimum wages, no minimum wage is guaranteed nationally.

443. While welcoming the several studies and projects concerning violence against women carried out in the past few years in Finland, the Committee notes with concern that the phenomenon has reached alarming proportions. The Committee reiterates its regret at the absence of comparative statistical information on the extent of the problem, as well as lack of information on the remedies, rehabilitation and services provided to victims.

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[13] See *Official Records of the Economic and Social Council, 1997, Supplement No. 2* (E/1997/22-E/C.12/1996/6), chap. IV, para. 308.

444. The Committee notes with concern the lack of affordable accommodation, especially in the Helsinki metropolitan area, for the homeless, a group consisting mainly of alcoholics, drug abusers, victims of domestic violence and the mentally ill.

445. The Committee regrets the weakening of the public health-care system as a result of cuts in the Government's health spending.

446. The Committee is particularly concerned that certain municipalities allocate insufficient funds to health-care services. This has resulted in inequality with regard to levels of health-care service provision depending on the place of residence, to the detriment in particular of children, persons with physical and mental disabilities and older persons.

### E. Suggestions and recommendations

447. The Committee urges the State party to formulate and implement a national plan of action for the protection and promotion of human rights, as recommended in paragraph 71 of the Vienna Declaration and Programme of Action.[9]

448. The Committee encourages the State party to ensure that all judges and lawyers receive further training provided free of charge to familiarize them with the provisions of the Covenant and the general comments adopted by the Committee.

449. The Committee recommends that the State party review its budget allocation for international cooperation with a view to increasing its contribution in accordance with the United Nations recommendation.

450. The Committee encourages the State party, as a member of international financial institutions, to do all it can to ensure that the policies and decisions of those organizations are in conformity with the obligations of States parties to the Covenant, in particular the obligations contained in article 2, paragraph 1, concerning international assistance and cooperation.

451. The Committee urges the State party to finalize its review of the legislation concerning the Sami population with a view to ratifying ILO Convention No. 169 (1989) concerning indigenous and tribal peoples in independent countries. The Committee recommends that the State party settle the question of Sami land title as a matter of high priority.

452. The Committee requests the State party to provide information in its fifth periodic report on the enjoyment by the Roma of their economic, social and cultural rights.

453. The Committee urges the State party to continue and strengthen its efforts to combat racism and xenophobia.

454. The Committee recommends that the State party ensure that legislative provisions concerning job security are effectively implemented, especially as regards the most vulnerable groups, such as part-time, "stand-by" workers and foreigners.

455. The Committee reiterates the recommendation made in its concluding observations on the third periodic report of Finland[14] that the State party provide for minimum wages at the national level, in order for protection to be ensured also to workers who are not protected by sectoral collective agreements.

456. The Committee requests the State party to provide comparative statistical data, in its fifth periodic report, on the extent of violence against women. The Committee also requests detailed information on the results of the measures taken by the Government to address the phenomenon, including on facilities, rehabilitation and remedies accorded to victims.

457. The Committee further recommends that the State party ensure that adequate resources are afforded to public health services and that the cost of private health care remains affordable to all sectors of society.

458. The Committee calls on the State party to ensure that municipalities provide adequate health services, especially to vulnerable groups such as children, older persons and persons with physical and mental disabilities. In this respect, the Committee requests the State party to provide information, in its fifth periodic report, on the services available in municipalities particularly for those in need of mental health-care services.

459. The Committee calls upon the State party to take special care in ensuring the equality of standards in education for all in accordance with article 13 of the Covenant and the Committee's General Comments No. 11 (1999) concerning plans of action for primary education (art. 14 of the Covenant) and No. 13 (1999) concerning the right to education (art. 13 of the Covenant).

460. The Committee requests that the State party disseminate these concluding observations as widely as possible among its citizens.

461. The Committee requests the State party to address, in its fifth periodic report, the implementation of these concluding observations.

462. The Committee requests the State party to submit its fifth periodic report by 30 June 2005.

## BELGIUM

463. The Committee considered the second periodic report of Belgium on the implementation of the Covenant (E/1990/6/Add.18) at its 64th to 66th meetings, held on 17 and 20 November 2000, and adopted, at its 78th and 79th meetings, held on 28 November 2000, the following concluding observations.

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[14] Ibid., para. 315.

## A. Introduction

464. The Committee welcomes the submission of the second periodic report of the State party, which was prepared in general in conformity with the Committee's guidelines. A delegation of officials competent in various fields provided extensive written and oral replies to the Committee's list of issues. The Committee welcomes in particular the open and constructive dialogue with the Belgian delegation.

## B. Positive aspects

465. The Committee notes with satisfaction the positive attitude of the State party towards the active participation of civil society in promoting and protecting economic, social and cultural rights, and the fact that the delegation of the State party invited a representative of a national non-governmental organization to address the Committee during the dialogue.

466. The Committee also notes with appreciation the State party's indication of its support for the Committee's work with regard to the draft optional protocol to the Covenant.

## C. Factors and difficulties impeding the implementation of the Covenant

467. The Committee notes with concern that there are not sufficient mechanisms to coordinate and ensure uniformity of compliance, at both the federal and regional levels, with the State party's international human rights obligations.

468. The Committee notes that article 23 of the Constitution of Belgium represents a step forward in that it incorporates a number of economic, social and cultural rights, leaving the guarantee of such rights to statutes and royal decrees. However, such legislation has so far not been adopted. While article 23, read in conjunction with other fundamental rights guarantees of the Constitution of Belgium, could be interpreted to be applicable directly in the domestic legal order, such interpretation still depends on the exercise of discretion by the national courts.

## D. Principal subjects of concern

469. The Committee regrets that the State party has not established a comprehensive national plan of action for human rights, in accordance with paragraph 71 of the 1993 Vienna Declaration and Programme of Action.[9]

470. The Committee also expresses its concern about the lack of an independent national human rights institution, established in accordance with the Paris Principles,[10] which would serve to monitor the entire range of human rights in the country.

471. The Committee is deeply concerned that there is no specific legislation which outlaws acts of xenophobia and racism, and in particular the activities of right-wing racist political parties, which are increasingly present on the political scene, especially in Flanders.

472. The Committee expresses its concern about the discriminatory effects against women of the so-called rule regarding cohabitants in the unemployment insurance regime of Belgium.

473. The Committee is also concerned about the persistent gap between the unemployment rates of men and women and the discrepancy between them with regard to wages.

474. The Committee expresses its concern about the considerable unemployment among young people and the fact that that State party has not sufficiently addressed the long-term unemployment of persons over 45 years of age, nor the situation of those who have been forced into early retirement.

475. The Committee is also concerned about the phenomena of paedophilia, prostitution of children, child pornography and violence against children.

476. In the light of article 11 of the Covenant, the Committee is concerned about the significant shortage of social housing in Belgium, especially in Flanders. The Committee is also concerned that larger families, as well as single-parent and low-income families, are at a disadvantage in qualifying for such social housing.

477. The Committee is deeply concerned that the State party has not established adequate mechanisms to ensure uniformity in the application of educational standards, including international norms on education, in all regions, owing to the fact that the regional governments have primary responsibility in the formulation of educational policy. The Committee also regrets that the delegation provided uneven information on the implementation of the right to education in the different regions.

478. The Committee notes with concern that, in 1998, Belgium devoted only 0.35 per cent of its GDP to international cooperation, while the United Nations recommendation in this regard is 0.7 per cent for industrialized countries.

### E. Suggestions and recommendations

479. The Committee recommends that, in the next periodic report, the State party provide more details on the mechanisms adopted to coordinate and ensure uniformity in activities by the various levels of government aimed at complying with international human rights obligations, in the light of article 28 of the Covenant.

480. The Committee urges the State party to formulate and adopt a comprehensive plan of action for human rights, as called for in paragraph 71 of the Vienna Declaration and Programme of Action.

481. The Committee also urges the State party to establish an independent national human rights institution, in accordance with the Paris Principles.

482. The Committee recommends that the State party, having ratified the Covenant, take appropriate steps to guarantee fully the direct applicability of the Covenant in the domestic legal order.

483. The Committee recommends that the State party adopt measures to ensure that xenophobia, racism and activities of racist organizations, groups or political parties are outlawed, with a view to complying with the principle of non-discrimination, set forth in article 2, paragraph 2, of the Covenant.

484. The Committee urges the State party to revise the rule regarding cohabitants in the unemployment insurance regime, in order to eliminate its indirect discriminatory impact on women.

485. The Committee recommends that the State party undertake more active measures to address the inequality of employment between men and women and the discrepancy in wages between them, as well as to promote women's access to all levels of the labour market.

486. The Committee encourages the State party to combat unemployment among young people and the long-term unemployment of workers over the age of 45, through appropriate vocational and technical training. The Committee would welcome more information in the State party's next periodic report on the measures taken and on the results achieved.

487. The Committee urges the State party to take effective measures to combat paedophilia, child prostitution, child pornography and violence against children, and to seek international cooperation in this regard.

488. The Committee urgently requests more detailed information in the State party's next periodic report on the situation of social housing in Belgium, especially in Flanders. The Committee also recommends that the State party take measures to eliminate the disadvantage of larger families, as well as of single-parent and low-income families, in qualifying for such social housing.

489. The Committee recommends that the State party establish an adequate mechanism to monitor and ensure uniformity of educational standards, such as those arising from international legal obligations, throughout the country. In addition, the Committee would welcome information in its next periodic report that reflects adequately and in a balanced manner the situation of education in all regions and communities.

490. The Committee requests more information in the State party's next periodic report concerning the initiative introduced in September 1999 to assist Flemish secondary school students who are in conflict with the educational system and, if the initiative has proved successful, the Committee suggests that consideration be given to its introduction in all the regions.

491. The Committee looks forward to receiving information from the State party in its next periodic report on the enjoyment of the right to participate in and benefit from cultural life, such as access to cultural activities and cultural property, especially by disadvantaged and marginalized groups in society, persons with disabilities and older persons.

492. The Committee recommends that the State party review its budget allocation for international cooperation with a view to increasing its contribution, in accordance with the United Nations recommendation.

493. The Committee encourages the Government of Belgium, as a member of international bodies, in particular IMF and the World Bank, to do all it can to ensure that the policies and decisions of those organizations are in conformity with the obligations of States parties to the Covenant, in particular the obligations contained in article 2, paragraph 1, concerning international assistance and cooperation.

494. The Committee requests the State party to include in its next periodic report information on how the State party has taken into consideration the suggestions and recommendations contained in the present concluding observations. The Committee looks forward to receiving the third periodic report of Belgium no later than 30 June 2005.

495. The Committee encourages the State party to disseminate widely the present concluding observations.

## YUGOSLAVIA

### Preliminary Recommendations*

496. The Committee reminds the State party that, while the Covenant provides for progressive realization and acknowledges the constraints due to resource availability, it also imposes on States parties various obligations which are of immediate effect (art. 2, para. 1). For example, the enumerated rights must be enjoyed without discrimination and the State party has an immediate obligation "to take steps" towards the full realization of all the rights in the Covenant (see General Comments No. 3 (1990) on the nature of States parties' obligations (art. 2, para. 1, of the Covenant), No. 13 (2000) on the right to education (art. 13 of the Covenant), paras. 43-45, and No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant, paras. 30-32)).

497. The State party is also reminded that several provisions of the Covenant, including article 2, paragraph 1 and article 11, anticipate that the State party will seek international assistance and cooperation in relation to the full realization of the rights recognized in the Covenant. In this regard, the Committee notes that in the past the State party has engaged in fruitful international cooperation with the United Nations system.

498. In these circumstances, the State party is encouraged to seek the specific technical advice and assistance from other agencies, such as UNDP, in relation to:

(*a*) the preparation of its outstanding report to the Committee;

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* For background, see para. 72 above.

(*b*) the formulation of a national human rights plan of action as anticipated by paragraph 71 of the Vienna Declaration and Plan of Action;[9]

(*c*) the creation of a national human rights institution which conforms to the Paris Principles[10] and Committee General Comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights.

499. More generally, the State party is urged to seek technical advice and assistance from United Nations specialized agencies and programmes in relation to its obligations under the Covenant. For example, the State party has an obligation to ensure that educational curricula conform to article 13, paragraph 1, of the Covenant. The State party is encouraged to invite UNESCO to assist in its development of curricula which meets its obligations under article 13, paragraph 1.

500. As the State party formulates its laws, policies, programmes and projects for the implementation of the Covenant, it is urged to ensure that its processes are always transparent and participatory. Arrangements must be in place to ensure the free and fair participation of all communities and groups. Further, the State party must ensure that all its initiatives give particular attention to the needs of the most vulnerable and disadvantaged groups within the Federal Republic of Yugoslavia.

501. The State party is urged to ensure that national reconstruction occurs on a fair and equitable basis across the Federal Republic of Yugoslavia.

502. The State party is encouraged to speed up the democratization process on the basis of which economic, social and cultural rights can be realized.

503. The State party is urged to facilitate the exercise of the right to self-determination by all peoples of the Federal Republic of Yugoslavia.

504. The State party is urged to promote positive and harmonious inter-ethnic relations.

505. The State party is encouraged to facilitate the return of displaced persons and refugees to their homes under conditions of freedom.

506. The State party is urged to give priority to the reconstruction of homes in order to reduce the number of homeless in the country.

507. The State party is encouraged to introduce specific measures which address the serious problem of the trafficking of women in the Federal Republic of Yugoslavia.

508. In the context of article 12 of the Covenant, the State party is referred to paragraph 43 (*f*) of Committee General Comment No. 14 (2000) on the right to the highest attainable standard of health, and urged to prepare a national public health strategy and plan of action addressing the health concerns of the whole population.

509. In the context of article 13 of the Covenant, the State party is referred to General Comment No. 13 (1999) on the right to education, paragraphs 38-40, and urged to introduce legislation and other measures which ensure the academic freedom of all staff and students throughout the educational sector.

510. The Committee encourages the State party to consult with non-governmental organizations before finalizing and submitting its next periodic report to the Committee.

511. If the State party wishes, the Committee is willing to provide the required technical assistance to the Federal Republic of Yugoslavia to help the State party identify effective measures to secure the Covenant's implementation and to prepare its report under articles 16 and 17 of the Covenant, which should be submitted to the Committee by 30 June 2002.

## MOROCCO

512. The Committee considered the second periodic report of Morocco on the implementation of the Covenant (E/1990/6/Add.20) at its 70th to 72nd meetings, held on 22 and 23 November 2000, and adopted, at its 81st and 82nd meetings, held on 29 and 30 November 2000, the following concluding observations.

### A. Introduction

513. The Committee welcomes the submission of the second periodic report of Morocco, prepared in general in conformity with the revised reporting guidelines established by the Committee, and welcomes the written replies to its list of issues.

514. The Committee appreciates the candid and constructive dialogue with the delegation, which consisted of experts in the field, and its readiness to reply to additional questions and to furnish additional information whenever available. The Committee, however, regrets that the delegation was unable to provide an adequate response, in particular statistical information, to some specific questions in the list of issues, as well as to follow-up questions during the dialogue. The Committee notes the State party's indication that replies to the questions which were not adequately answered during the dialogue would be made available as early as possible.

### B. Positive aspects

515. The Committee welcomes the initiative taken by King Mohammed VI and his new Government to further the development of a human rights culture in Morocco and notes with satisfaction the establishment of the Ministry for Human Rights. In addition, the Committee welcomes the efforts of the State party to implement its obligations under international human rights instruments in general, and under the Covenant in particular.

516. The Committee notes with satisfaction the establishment of a national human rights institution and the intention of the State party to set up an office of a national ombudsman.

517. The Committee appreciates that, following the Fourth World Conference on Women,[15] the State party introduced a national strategy for the advancement of women in 1997, and that an action plan for integrating women into development has been adopted.

518. The Committee notes with satisfaction the efforts by the State party with respect to the information campaign to disseminate information on international human rights instruments among the judiciary.

519. The Committee notes with interest the efforts being made by the State party to deal with the debt burden, such as bilateral debt conversions with certain donor countries.

### C. Factors and difficulties impeding the implementation of the Covenant

520. The Committee notes that the persistence of traditional practices and attitudes, deeply entrenched in Moroccan society, with regard to women and children hamper the ability of the State party to protect and promote their economic, social and cultural rights.

521. The Committee also notes the difficulties faced by the State party in complying with its debt servicing obligations which take up a considerable percentage of GNP, thus impeding the State party's ability to comply with its obligations under the Covenant.

### D. Principal subjects of concern

522. The Committee expresses its concern that the State party has not provided any information on the measures taken by the State party with regard to the suggestions and recommendations made by the Committee in its concluding observations on Morocco's initial report,[16] nor on the effects of these measures. Many of the issues referred to in the concluding observations made in 1994 remain subjects of concern in the present concluding observations.

523. The Committee is concerned that no legislative, judicial and administrative measures have yet been adopted by the State party to give effect to many of the provisions of the Covenant.

524. With regard to the situation in the Western Sahara, the Committee regrets that there has not been a definite solution to the question of self-determination.

525. The Committee is concerned that the State party has not yet formulated a comprehensive plan of action on human rights in accordance with paragraph 71 of the Vienna Declaration and Programme of Action.[9]

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[15] Held at Beijing, from 4 to 15 September 1995.

[16] See *Official Records of the Economic and Social Council 1995, Supplement No. 3* (E/1995/22-E/C.12/1994/20), chap. V, paras. 118 to 124.

526. The Committee regrets that the State party does not take its obligations under the Covenant into consideration in its negotiations with international financial institutions.

527. Despite the measures taken by the State party to advance the status of women in Moroccan society, the Committee is concerned that there are still persisting patterns of discrimination against women in national legislation, particularly in family and personal status law, as well as inheritance law.

528. The Committee regrets the continuing delays with regard to the adoption of a new labour code, aiming at the unification of existing labour legislation, which was already referred to by the Committee in its concluding observations on the initial report of Morocco.[17] Moreover, the Committee is concerned that certain issues contained in the draft labour code, such as the minimum age for labour and conditions of child labour, are not in conformity with the relevant ILO Conventions, No. 138 (1973) concerning the minimum age for admission to employment and No. 182 (1999) concerning abolition of the worst forms of child labour and immediate measures for their prohibition, respectively, which the State party has not yet ratified.

529. The Committee expresses its concern that the minimum wage in Morocco is not sufficient to allow workers to maintain an adequate standard of living for themselves and their families. Moreover, no adequate reason was given for the considerable discrepancy between the minimum wage of industrial workers and that of agricultural workers.

530. The Committee is concerned that the State party did not provide sufficient information regarding the number of accidents, including those causing serious injury or death, occurring in the workplace and regarding the legislative and administrative measures in place to prevent the occurrence of such accidents.

531. The Committee expresses its concern that the State party does not provide for appropriately severe and enforceable penalties to ensure that employers, especially in the handicraft and light industries, are prevented from resorting to child labour under the legal minimum working age.

532. The Committee is also concerned that there is no legislation in place which affords protection to those who are employed as domestic workers, especially young girls, who are ill-treated and exploited by their employers.

533. The Committee is concerned about the continuing restrictions on the right to strike as laid down in article 8 of the Covenant, particularly under article 288 of the State party's Penal Code. The Committee regrets that the State party has not yet ratified ILO Convention No. 87 (1948) on the freedom of association and protection of the right to organize.

534. The Committee notes with concern the persistent discrimination against children born out of wedlock, who are frequently abandoned by their parents, and their lack of legal protection with regard to the Personal Status Code and family law.

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[17] Ibid., para. 113.

535. The Committee is concerned about the large number of children who live in the streets, of whom 22 per cent are under the age of five.

536. The Committee expresses its concern about the high percentage of people living below the poverty line in Morocco, especially in rural areas.

537. The Committee is concerned about the disparities in the standard of living between rural and urban areas, insofar as the former have considerably less access to clean drinking water, sanitary facilities and electricity.

538. The Committee also expresses its concern about the lack of affordable social housing in Morocco. In addition, the Committee regrets that the State party has not provided adequate information, including statistical data, on the incidence of homelessness and forced eviction, taking into account the Committee's General Comment No. 7 (1997) on the right to adequate housing (art. 11, para. 1, of the Covenant): forced evictions.

539. The Committee regrets that the State party has not adopted a national strategy and action plan on health, and that health coverage provided by the State party does not cover more than 20 per cent of the population. Moreover, the Committee is concerned that access to primary health care in rural areas is even more limited, in comparison to the urban areas.

540. The Committee expresses its concern about the high rate of maternal and infant mortality in Morocco.

541. The Committee is concerned that the State party does not exercise sufficient control, by means of legislative and administrative measures, over factories manufacturing foodstuffs which do not conform to international standards and cause death or constitute a health hazard to the population of Morocco.

542. The Committee expresses its concern about the high rate of illiteracy in the State party, especially among women in rural areas.

543. The Committee is deeply concerned about the low level of primary school attendance. Currently less than 50 per cent of children of both sexes are being regularly educated. In addition, the Committee is also concerned that the access of young girls to education is considerably more limited, particularly in the rural areas, which accounts for the fact that the adult illiteracy rate is 65 per cent for women, as against 40 per cent for men.

544. The Committee regrets that the State party has not provided adequate information on the enjoyment of the right of minorities, such as the Amazigh people, to participate in cultural life in Morocco.

### E. Suggestions and recommendations

545. The Committee urges the State party to adopt legislative and other measures to give effect to all the provisions of the Covenant.

546. The Committee encourages the State party to seek a solution, in cooperation with the United Nations, to the problems impeding the realization of the referendum on the issue of self-determination in Western Sahara.

547. The State party is urged to formulate and implement a comprehensive national plan of action for the protection and promotion of human rights, as recommended in paragraph 71 of the Vienna Declaration and Programme of Action, and to include information on this matter in the next periodic report.

548. The Committee encourages the State party to ensure that the Office of the National Ombudsman, which is to be established shortly, functions in conformity with the Paris Principles. The Committee looks forward to receiving information on the results of these efforts in the next periodic report of Morocco.

549. The Committee strongly recommends that Morocco's obligations under the Covenant be taken into account in all aspects of its negotiations with international financial institutions, like the IMF, the World Bank and the WTO, to ensure that the economic, social and cultural rights of Moroccans, particularly of the most vulnerable groups of society, are not undermined.

550. The Committee reiterates its recommendation in its concluding observations on the initial report of Morocco,[18] that the State party needs to adopt further measures to provide adequate safety nets for the vulnerable sectors of society affected by structural adjustment programmes.

551. The Committee strongly recommends that the State party proceed as expeditiously as possible with the adoption and full implementation of the National Action Plan for Integrating Women into Development. In particular, the Committee urges the State party to amend existing legislation that institutionalizes discrimination against women, such as provisions of family, inheritance and personal status law, with a view to strengthening the legal status of women.

552. The Committee urges the State party to adopt the draft labour code and to ensure that the provisions thereof are in conformity with articles 6, 7 and 8 of the Covenant, as well as with the relevant ILO conventions to which Morocco is party. In this regard, the State party is strongly encouraged to ratify ILO Conventions No. 87 (1948) concerning freedom of association and protection of the right to organize, No. 138 (1973) concerning the minimum age for admission to employment, No. 169 (1989) concerning indigenous and tribal peoples in independent countries and No. 182 (1999) concerning the worst forms of child labour and immediate measures for their prohibition.

553. The Committee recommends that the State party undertake measures to eliminate the existing significant disparity in the minimum wage afforded to the various categories of workers, particularly industrial and agricultural workers. In addition, the Committee strongly recommends that the minimum wage be established at a level that will better ensure an adequate standard of living for workers and their families, in accordance with article 7 of the Covenant.

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[18] Ibid., para. 119.

554. The Committee requests the State party to provide in its next periodic report detailed information regarding (*a*) the incidence of accidents in the workplace and (*b*) all the measures taken by the State party to prevent their occurrence.

555. The Committee urges the State party to take remedial action, including the imposition of appropriately severe penalties, in order to ensure that employers, especially in the handicraft and light industries, are prevented from resorting to child labour under the legal minimum working age. In addition, the Committee urges that the State party raise the minimum working age from 12 to 15 years, in accordance with ILO standards (Convention No. 138 (1973)).

556. The Committee also urges the State party to adopt legislation immediately in order to protect minors who are employed as domestic workers, especially young girls, from being exploited by their employers.

557. The Committee recommends that the State party undertake measures to eliminate excessive restrictions on the right to strike, in particular article 288 of the State party's Penal Code, which criminalizes certain forms of strike.

558. The Committee reiterates its recommendation in its concluding observations on the initial report of Morocco[19] that the State party take legislative and other measures to eliminate discrimination and ensure effective protection against discrimination with regard to children born out of wedlock.

559. The Committee also strongly recommends that the State party address the problem of street children and children born out of wedlock who are abandoned by their parents.

560. The Committee urges the State party to intensify its efforts to address the problem of poverty, especially in the rural areas.

561. The Committee reiterates the recommendation it made in its concluding observations on the initial report of the State party,[20] which strongly encourages the State party to take measures to reduce the disparities that exist between the rural and urban areas, *inter alia*, by improving access to water, electricity and sanitary facilities in the rural areas.

562. The Committee recommends that the State party intensify its efforts to improve the housing situation in Morocco, particularly by providing affordable social housing. The Committee also requests that the State party provide, in its next periodic report, detailed information, including statistical data, on the incidence of homelessness and forced eviction in Morocco, on the measures taken by the State party to address these issues, as well as on the effects of these measures.

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[19] Ibid., para. 123.

[20] Ibid., para. 118.

563. The Committee also recommends that the State party adopt a national strategy and action plan on health which will increase the health coverage provided by the State party, in particular with regard to the rural areas.

564. The Committee urges the State party to take all necessary measures in order to address the problem of the high rate of maternal and infant mortality in Morocco.

565. The Committee also urges the State party to take the appropriate legislative and administrative measures to ensure that sufficient control is exercised on factories manufacturing foodstuffs so that the products manufactured conform to international standards and do not constitute any health hazard.

566. The Committee strongly urges the State party to ensure access to free and compulsory primary education for all, especially for women and girl children, and particularly in the rural areas, taking into consideration the Committee's General Comments No. 11 (1999) concerning plans of action for primary education (art. 14 of the Covenant) and No. 13 (1999) on the right to education (art. 13 of the Covenant). In addition, the Committee requests that information be included in the next periodic report on government subsidies to private higher education and on education programmes for nomadic peoples, on measures taken by the State party in this respect and on the effects of these measures.

567. The Committee urges the State party to take remedial action to address the persistent problem of the high rate of illiteracy, particularly among women in rural areas.

568. The Committee requests more detailed information, including statistical data, on the enjoyment of the rights contained in the Covenant by the Amazigh people, including their right to participate in cultural life in Moroccan society, as well as to use their own language.

569. The Committee strongly recommends that the State party avail itself of technical assistance offered by the Office of the United Nations High Commissioner for Human Rights and the relevant United Nations specialized agencies and programmes in its efforts to realize economic, social and cultural rights, in compliance with its international legal obligations under the Covenant.

570. The Committee has decided that the third periodic report of Morocco is to be submitted by 30 June 2004, and that it should include information on the steps undertaken by the State party with regard to the suggestions and recommendations contained in the present concluding observations.

571. The Committee requests the State party to disseminate the concluding observations as widely as possible among its citizens at all levels of society.

# CHAPTER V

## Follow-up to the Committee's consideration of reports under articles 16 and 17 of the Covenant

572. At its twenty-fourth session, held 13 November to 1 December 2000, the Committee, under agenda item 4 (Follow-up to the Committee's consideration of reports under articles 16 and 17 of the Covenant), considered the status of implementation by the States parties of the recommendations contained in its concluding observations adopted with respect to the initial reports submitted by Nigeria (E/1990/5/Add.31) and Israel (E/1990/5/Add.39), which were considered by the Committee at its eighteenth[21] and nineteenth[22] sessions in 1998. In connection with consideration of this agenda item the Committee had before it a note by the secretariat (E/C.12/2000/3) and a number of submissions from non-governmental organizations.

### Nigeria

573. The Committee recalled that, in its concluding observations, it recommended:

> [...] that more positive and open dialogue between the Committee and the Government of Nigeria be undertaken and maintained. The Government need not wait until its next report is due in five years' time; the Committee calls upon the Government to submit a comprehensive second periodic report, prepared in conformity with the Committee's guidelines, by 1 January 2000.

574. The Chairperson of the Committee, in her letter dated 27 November 2000 and addressed to the Minister of Foreign Affairs of Nigeria through the Permanent Mission of Nigeria to the United Nations Office and other International Organizations in Geneva (see annex IX below), informed the State party that the Committee, under its follow-up procedure, considered the status of implementation of its previously adopted concluding observations and, with respect to Nigeria, found that as of this date the State party had not submitted its second periodic report called for in its concluding observations.[23]

575. Accordingly, the Committee decided to request the State party to submit its second periodic report as soon as possible but not later than 1 November 2001. At the same time the Committee indicated that, "If the Government of Nigeria is experiencing difficulties in the preparation of its second periodic report, it may avail itself of the advisory services and technical assistance of the Office of the United Nations High Commissioner for Human Rights for the preparation of States parties' reports to be submitted under the Covenant."

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[21] For the concluding observations of Nigeria, see *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/22-E/C.12/1998/26), chap. IV, paras. 96-138.

[22] For the concluding observations on Israel, ibid., paras. 228-272.

[23] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/22-E/C.12/1998/26), chap. IV, para. 137.

**Israel**

576. The Committee, having considered the information provided to it by the Permanent Mission of Israel to the Office of the United Nations and its Specialized Agencies at Geneva, in its note verbal dated 3 November 2000, in a letter dated 1 December 2000 and addressed to the Permanent Representative of Israel (annex X below), reminded the State party that its concluding observations requested the submission of additional information in time for the Committee's twenty-fourth session . Further, the Committee emphasized that some of the additional information, especially the material concerning the occupied territories, was requested "in order to complete the State party's initial report and thereby ensure full compliance with its reporting obligations".

577. In the light of all the circumstances, its concluding observations and the current crisis in Israel and the occupied territories, the Committee resolved at its twenty-fourth session to consider the situation in the occupied Palestinian territory at its twenty-fifth session, with a view to assisting the State party conform to its obligations under the Covenant. Accordingly, the Committee urged Israel to submit by 1 March 2001 up-to-date information on economic, social and cultural rights in the occupied Palestinian territory. This information should give particular attention to the issues concerning the occupied Palestinian territory that were identified in the concluding observations, as well as those mentioned in the Committee's letter. The Committee decided to consider the additional information, and any other reliable material with which it is provided, on 4 May 2001. The Committee invited the State party to participate in this discussion.

# CHAPTER VI

## Day of general discussion

### The right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author (art. 15, para. 1 (c), of the Covenant)

### I. Introduction

578. At its twenty-fourth session, on 27 November 2000, the Committee held a day of general discussion, organized in cooperation with WIPO, on the right of everyone to benefit from the protection of moral and material interests resulting from any scientific, literary or artistic production of which he is the author, as enshrined in article 15, paragraph 1 (*c*), of the Covenant. The Committee had decided, during its twenty-second session, to devote its day of general discussion to this issue in connection with recent developments in the international intellectual property regime, namely, the inclusion of the Agreement on Trade-Related Aspects of Intellectual Property Rights as part of the Marrakesh Agreement establishing the World Trade Organization. The implementation of the Agreement on Trade-Related Aspects of Intellectual Property Rights has heightened international awareness of the potential conflict between this regime and the legally binding international human rights norms.

579. The day was also intended to lay down the groundwork for the elaboration of a general comment dealing with relevant aspects of article 15, paragraph 1 (*c*), of the Covenant, called for by the Sub-Commission on the Promotion and Protection of Human Rights, in its resolution 2000/7 adopted in August 2000. In this resolution, the Sub-Commission encouraged the Committee to clarify the relationship between intellectual property rights and human rights, including through the drafting of a general comment on the subject.

580. Participants in the day of general discussion included: Mr. Vladimir Aguilar, Contextos Latinoamericanos para la Promoción de los Derechos Económicos, Sociales y Culturales (Switzerland); Ms. Annar Cassam, Director, UNESCO liaison office in Geneva; Ms. Audrey Chapman, American Association for the Advancement of Science; Ms. Caroline Dommen, 3D Associates; Mr. Julian Fleet, Senior Adviser, Law and Ethics, UNAIDS; Mr. Evgueni Guerassimov, Senior Legal Advisor, UNESCO; Ms. Julia Hausermann, President, Rights and Humanity; Mr. Hamish Jenkins, Non-Governmental Liaison Service; Mr. Miloon Kothari, Habitat International Coalition; Mr. Patrice Meyer-Bisch, University of Fribourg (Switzerland); Ms. Conchita Poncini, International Federation of University Women; Mr. Peter Prove, Lutheran World Federation; Mr. John Scott, Aboriginal and Torres Strait Islander Commission (Australia); Mr. Alejandro Teitelbaum, American Association of Jurists; Mr. Hannu Wager (Counsellor, Intellectual Property Division, WTO); Mr. Wend Wendland, Principal Legal Counsel, WIPO; Mr. Michael Windfuhr, Executive Director, FIAN - Foodfirst Information and Action Network.

581. The Committee had before it the following background papers:

(*a*) Discussion paper submitted by Ms. Audrey Chapman (American Association for the Advancement of Science): "Approaching intellectual property as a human right: obligations related to article 15, paragraph 1 (*c*)" (E/C.12/2000/12);

(*b*) Background paper submitted by the International Commission of Jurists: "The Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights and the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights" (E/C.12/2000/13);

(*c*) Background paper submitted by Ms. Mylène Bidault, (University of Geneva, Switzerland, and University Paris X-Nanterre, France): "La protection des droits culturels par le Comité des droits économiques, sociaux et culturels" (E/C.12/2000/14);

(*d*) Background paper submitted by Ms. Maria Green (International Anti-Poverty Law Center, United States of America): "Drafting history of the Article 15 (1) (c) of the International Covenant on Economic, Social and Cultural Rights" (E/C.12/2000/15);

(*e*) Background paper submitted by Mr. Patrice Meyer-Bisch (University of Fribourg, Switzerland): "Protection of cultural property: an individual and collective right," (E/C.12/2000/16);

(*f*) Background paper submitted by Aboriginal and Torres Strait Islander Commission (Australia): "Protecting the rights of Aboriginal and Torres Strait Islander traditional knowledge" (E/C.12/2000/17).

## II. Opening remarks

582. The Chairperson of the Committee, Ms. Bonoan-Dandan, opened the day of general discussion by referring to the three distinct elements of article 15 of the Covenant: the right to participate in cultural life, the right to benefit from scientific progress, and intellectual property rights. The Committee had decided that the latter aspect of article 15 merited the most urgent attention, although the Committee would, in due time, formulate a general comment on each element of the article.

583. Opening the discussion on behalf of WIPO, Mr. Wendland greeted the decision of the Committee to devote a day of general discussion to intellectual property. In his view, the issue had regained interest and importance due to globalization, the emergence of new technologies and the recognition of the value of knowledge.

## III. Approaching intellectual property as a human right: Obligations related to article 15, paragraph 1 (c) of the Covenant

584. Ms. Chapman (American Association for the Advancement of Science) introduced her background paper by noting that although intellectual property had long been analysed in

juridical and economic terms, very little attention had been paid to intellectual property as a human right. A human rights approach acknowledged that intellectual products have an intrinsic value as an expression of human creativity and dignity.

585. Ms. Chapman said that the establishment of the WTO in 1994 and coming into force of the Agreement on Trade-Related Aspects of Intellectual Property Rights in 1995 had strengthened the global character of intellectual property regimes. In order for these regimes to conform with human rights norms, they needed to fulfil certain criteria, including addressing in an explicit manner its ethical and human rights dimensions. Further, intellectual property regimes needed to reflect individual countries' development requirements and be consistent with the cultural orientations of major groups of society. With regard to science, intellectual property regimes needed to promote scientific progress and broad access to its benefits.

586. Recent developments in the intellectual property regime were often inconsistent with a human rights approach, a matter that underscored the need for a human rights approach. Ms. Chapman enumerated issues that remained to be addressed in this respect: inappropriate or inadequate protection of the rights of the author, creator, or inventor; inadequate protection of public interest; varying impact on developed and developing States; lack of democratic controls and participation; lack of effective incorporation of ethical concerns.

587. Furthermore, not only did there exist inconsistencies between the norms of the intellectual property regime and human rights norms, in addition, the intellectual property regime had demonstrated detrimental effects to the rights enshrined in the Covenant. Ms. Chapman noted that the current intellectual property regimes were not applicable to indigenous artistic creations and knowledge. Similarly, the regimes affected negatively the right to health in that they reduced availability to pharmaceuticals. As for the right to food, it was threatened in a variety of ways, including by extension of broad patents for specific plant varieties to a few agricultural corporations that thus held virtual monopolies on the genome of important global crops.

588. Finally, Ms. Chapman recalled the recommendations made by the Sub-Commission on the Promotion and Protection of Human Rights in its resolution 2000/7. The Sub-Commission had requested governments to protect the social functions of intellectual property in accordance with international human rights obligations and principles; inter-governmental organizations to integrate international human rights obligations and principles into their policies, practices, and operations; and the WTO in general and the Council for Trade-Related Aspects of Intellectual Property Rights more specifically, to take fully into account existing state obligations under international human rights instruments during its ongoing review of the Agreement.

589. Mr. Marchán Romero addressed the problem of differing degrees of protection granted to indigenous people in international instruments in the field of intellectual property. The right of indigenous people to intellectual property, absent in ILO Convention No. 169 (1989) concerning indigenous and tribal peoples in independent countries, is addressed in article 29 of the current

draft United Nations declaration on the rights of indigenous peoples.[24] The draft had been under discussion in the United Nations since 1994. In this regard, Mr. Marchán Romero called for governments to take specific measures to protect the rights of everyone to benefit from cultural rights.

590. Mr. Rattray stated that intellectual property rights were not absolute rights but should instead be seen in the framework of international norms regulating the behaviour of States and individuals. He stressed the importance of striking the appropriate balance between individual rights and the rights of other individuals, the rights of States, and collective rights, and acknowledged the challenge the Committee was facing in this respect.

591. Mr. Hunt hoped that the debate would provide a response to the question of whether the current international property regime tended to accentuate or to diminish the inequalities existing between North and South, and rich and poor countries. In the first case, a second question would need to be replied, namely to know how to reform the system to render it more egalitarian in this respect.

592. Mr. Sadi noted that intellectual property rights were negative in quality, protecting the rights of the author rather than providing for the right of everyone to access cultural, artistic and scientific products. He asked whether it was not necessary to find a better balance between the rights of the public at large to enjoy intellectual products and the rights of the inventor or author.

593. Mr. Texier concurred with Mr. Hunt by stating the importance of looking for ways of ameliorating the current system of intellectual property protection to render it more egalitarian. Another essential question was to find ways of protecting collective knowledge, as currently intellectual property rights are defined as individual rights.

594. Mr. Grissa agreed that a balance needed to be struck between author's rights and the right of everyone to enjoy the products of scientific progress.

595. Mr. Ceville expressed the hope that the debate would assist the Committee in clarifying the means with which it can help State parties to link intellectual property rights with other Covenant rights.

596. Mr. Wendland (WIPO), summarizing the working draft submitted by WIPO (E/C.12/2000/19), said that the primary objective of the intellectual property system was to protect and promote human intellectual creativity and innovation. The system did not in and of itself regulate the use and commercialization of harmful or undesirable products or processes. Instead, limitations to and prevention of the invention or use of such products or processes required domestic legal regulation.

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[24] See Sub-Commission on the Promotion and Protection of Human Rights resolution 1994/45, annex.

597. Addressing the subject of traditional knowledge, Mr. Wendland explained that, in recognition of the importance of the issue, WIPO member States had mandated an exploratory programme on the relationship between intellectual property and tradition-based creation and innovation, and the preservation, conservation and dissemination of global biological diversity. In the framework of this programme, WIPO had undertaken nine fact-finding missions in 1998 and 1999 to 28 countries to learn about the needs and expectations of holders of traditional knowledge in relation to the protection of their knowledge. More recently, the member States had established an Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, which would meet for the first time in spring 2001 in Geneva.

598. Finally, acknowledging that article 15, paragraph 1 (*c*) of the Covenant protected both the rights of authors and the right of the public at large to access products protected by authors' rights, Mr. Wendland maintained that it was possible to strike a balance between the two potentially complementary yet conflicting rights. Namely, intellectual property rights were subject to various limitations and exceptions, and in some cases to compulsory licensing, which could be used to resolve tensions such as human rights. Furthermore, Mr. Wendland held that the balance between human rights and intellectual property rights could only be struck by adopting a case-by-case method, as contexts of sectors of activity, of countries and of regions varied infinitely.

599. Mr. Guerassimov (UNESCO) stressed the point made by Ms. Chapman in her discussion paper that protection of authors' rights was not an end in itself but should instead be understood as a preliminary condition, essential for cultural freedom, for the participation of the public in cultural life and scientific progress. The level of protection needed to correspond to the socio-economic realities and cultural goals of a given country.

600. For Mr. Guerassimov, the tendency in industrialized countries in the last 20 years to further strengthen the protection of the rights of authors could only be welcomed, as long as levels of protection did not hamper public access to knowledge. The issue was particularly important to developing countries which imported up to 80 per cent of their intellectual property and often lacked coordinated governmental policy in the field of intellectual property as well as corresponding infrastructures and specialists to apply policies. The Agreement on Trade-Related Aspects of Intellectual Property Rights provided for a high standard of protection, and as many developing countries were actively seeking adherence to the WTO, they were obliged to adhere to the high standard of protection. Furthermore, the Agreement provided for severe economic sanctions for countries that were unable to respect their international obligations in this field.

601. In conclusion, Mr. Guerassimov drew attention to a second current tendency, that of legal persons being recognized as the initial copyright owners for the purpose of protecting their investment. On the other hand, the Universal Declaration of Human Rights and the Covenant only recognized physical persons as entitlement holders. There was a danger that adopting criteria other than that of the originality of a work resulting from creative activity would undermine the respect for authors' rights, and would run counter to the provisions of the Universal Declaration and the Covenant.

602. Mr. Antanovich drew attention to the need for creating a mechanism to allow for the diffusion of cultural information from the North to the South. He asked the representative of WIPO to elaborate on why the intellectual property system was only partially compatible with human rights.

603. Mr. Riedel asked the representative of WIPO for clarification regarding compulsory licensing mechanisms in the system of protection of the right to intellectual property. He wanted specifically to know whether these mechanisms were subject to control.

604. Mr. Marchán Romero asked whether in the intellectual property system, States could choose to strengthen either the protection of the rights of authors or of the public at large, in function of the particular situation in a particular State. In the opinion of the representative of WIPO, would such atomization engender as many regimes and exceptions as there were different national contexts?

605. Mr. Wimer Zambrano, addressing the issue of conflicting interests referred to by Mr. Marchán Romero, wanted to know whether the right of succession engendered legal disputes between inheritors that prevented or delayed public access to literary works.

606. Ms. Cassam (UNESCO) underscored the urgency of establishing arrangements for the protection of traditional knowledge, since the existing intellectual property arrangements only served the interest of individuals whose inventions were of monetary value, and since these arrangements allowed for the expropriation of indigenous knowledge for commercial use. Ms. Cassam said that it was necessary to rethink the entire system of protection of rights of authors, and encouraged the Committee to play a leading role in this effort.

607. With regard to the issue of technology transfer, Mr. Wendland (WIPO) said that it was addressed in the Agreement on Trade-Related Aspects of Intellectual Property Rights and in the Convention on Biological Diversity. One should bear in mind, however, that technology transfer depended upon many factors, of which the intellectual property rights system was only one.

608. On the question of compatibility of the intellectual property rights system with human rights, Mr. Wendland stated that not only could intellectual property rights conflict with human rights, human rights could also enter into conflict with one another. Therefore, it was necessary to find a balance between human rights in general, and between intellectual property rights and human rights in particular. In fact, the numerous limitations and exceptions in the framework of the intellectual property rights system served precisely this purpose. There were exceptions in particular with regard to teaching, research, certain population groups and private copying, and these did not undermine the principles of the intellectual property system.

609. As regards compulsory licensing, used in many countries in the case of sound recordings for example; article 31 of the Agreement on Trade-Related Aspects of Intellectual Property Rights defined clearly the conditions under which it was possible to use intellectual property without permission of the author. As for the more general question of the existence of a rigid borderline between the interests of the author and those of the general public, Mr. Wendland said that borderline differed from local context to another. This applied equally to

Mr. Wimer Zambrano's question on succession disputes. Mr. Wendland said that international norms provided only a framework of minimum rules and left the national legislator with the task to complete the frame.

610. Mr. Guerassimov (UNESCO) said that a fair balance between the interests of the author and of the general public alluded to by the WIPO representative had been achieved in the Universal Copyright Convention as revised at Paris on 24 July 1971. Under the provisions of the Convention, developing countries benefited from exceptions that allowed them to reach an equitable balance. The Agreement on Trade-Related Aspects of Intellectual Property Rights, however, based on the more restrictive Bern Convention for the Protection of Literary and Artistic Works, is silent on exceptions allowed for national legislators with a view to encouraging education, development and scientific research.

611. Mr. Wager (WTO), summarizing the background paper prepared by WTO (E/C.12/2000/18), said that the overall objectives of WTO included those of full employment, rising standard of living in the context of sustainable development, and efforts to ensure that developing countries share in the growth of international trade. The objectives of the Agreement on Trade-Related Aspects of Intellectual Property Rights included the transfer and dissemination of technology to the mutual advantage of producers and users of technological knowledge, in a manner conducive to social and economic welfare. The Agreement also promoted other values essential for the realization of human rights, such as non-discrimination on the basis of nationality.

612. Furthermore, said Mr. Wager, the Agreement on Trade-Related Aspects of Intellectual Property Rights recognized the importance of ethical and other considerations, and allowed for exceptions on such considerations. Member States could refuse to grant a patent to an invention the commercial exploitation of which could be dangerous to life or health or be seriously prejudicial to the environment. Diagnostic, therapeutic and surgical methods for the treatment of humans and animals could also be excluded from patentability. Specific flexibility was provided in the area of biotechnology, allowing member States to refuse patents for plants and animal inventions other than micro-organisms and microbiological processes. The Agreement also allowed for the formulation of regulations necessary to protect public health and nutrition, and to promote public interest in sectors of vital importance to the socio-economic and technological development of the member States, provided that such measures were consistent with the provisions of the Agreement.

613. With regard to traditional knowledge, Mr. Wager explained that patenting by foreigners of traditional knowledge was not possible under the principles of the Agreement on Trade-Related Aspects of Intellectual Property Rights. The problem in this regard was that much traditional knowledge was not recorded in databases that could be consulted by patent examiners when deciding whether to grant a patent. Efforts were being made, at both national and international levels, to remedy this situation by drawing up appropriate databases. Another concern with regard to traditional knowledge was that the intellectual property system did not provide sufficient opportunities for the communities where the knowledge originated, to protect it from use by others. The WTO Council for Trade-Related Aspects of Intellectual Property Rights had made proposals for action with regard to remedying the situation. It was

acknowledged, however, that the issue gave rise to complex and difficult questions, such as the limited time period of protection of creations and inventions, after which they fell into the public domain and became freely usable by mankind at large. With regard to biodiversity, Mr. Wager told that the Agreement was silent on the issues addressed in the Convention on Biological Diversity, which meant that governments were free to legislate in accordance with the requirements of the Convention on these matters.

614. Mr. Fleet (UNAIDS) said that the impact of HIV had reversed years of hard-won development gains in Africa, which is home to 70 per cent of the infected around the world. Today, the availability of drugs for HIV and AIDS had significantly reduced AIDS morbidity and mortality in industrialized countries, whereas the vast majority of HIV-positive people in developing countries did not have access even to relatively simple medications for the prevention and treatment of potentially fatal infections, let alone the more sophisticated antiretroviral medicines that would work against the virus itself.

615. Mr. Fleet emphasized that UNAIDS supported patent protection and intellectual property rights as an incentive for innovative research and development that could lead to the discovery of HIV vaccines. UNAIDS was involved, together with UNFPA, UNICEF, WHO and the World Bank, with five pharmaceutical companies holding patents on HIV-related medicines and committed to expanding access to HIV-related care and treatment, in the "Accelerating Access to HIV Care, Support and Treatment" project. UNAIDS also advocated the granting of compulsory licences where necessary, particularly in countries where HIV/AIDS constituted a national emergency, and called for the reduction or elimination of import duties, and for the setting of preferential prices for HIV-related drugs consistent with local purchasing power.

616. Mr. Hunt reiterated his question as to whether the contemporary intellectual property regime reinforced global inequality. He looked forward to the reactions of the representative of WIPO in that regard. According to the World Bank's *World Development Report 2000-2001*, industrialized countries continued to account for the vast majority of patents (97 per cent) worldwide. Although he was certain that it was not intended to increase global inequality, he wondered if that might not in fact be the effect of the Agreement on Trade-Related Aspects of Intellectual Property Rights.

617. Mr. Riedel wondered whether article 15, paragraph 1 (*c*), encompassed all aspects of intellectual property protection, as it could be said that intellectual property did not have a human rights dimension at all levels. The fundamental question to be answered was whether intellectual property rights were merely a policy issue to be resolved in international treaties that had little to do with human rights. Mr. Riedel said that he personally favoured the response stating that some aspects of intellectual property, such as copyright, reflect a certain human rights dimension, while other aspects, such as trademarks and patents, do not. In his view, the Committee would need to examine further how the conditional rights enshrined in article 15, paragraph 1 (*c*), or rights such as the right to food, health and education, could be negatively affected by intellectual property rights. The special situations of indigenous people and developing and least developed countries should also be considered carefully, as should the scope of the limitation clauses in articles 4 and 5 of the Covenant.

618. Mr. Jenkins (Non-Governmental Liaison Service), referring to Mr. Hunt's question as to whether the Agreement on Trade-Related Aspects of Intellectual Property Rights reinforced inequality, said that he was not convinced by the WTO representative's argument that the Agreement's prohibition of discrimination on the basis of nationality in the area of intellectual property rights would be in accordance with the non-discrimination provision contained in human rights instruments. WTO established broadly similar rules for all players, whereas the human rights definition of non-discrimination required States in certain circumstances to take affirmative action in order to protect marginalized and vulnerable groups.

619. Ms. Hausermann (Rights and Humanity), referring to the Agreement on Trade-Related Aspects of Intellectual Property Rights, asked the representative of WTO whether the current meeting of the Council for Trade-Related Aspects of Intellectual Property Rights would address the issue of the impact exerted by the Agreement on access to essential drugs.

620. Mr. Wendland (WIPO) said that, in the conceptual sense, there are at least three major aspects of equality in the intellectual property context: standard-setting, decision-making, and the implementation and exercise of intellectual property rights. He agreed with previous speakers on the need to distinguish between the principles set forth in WIPO and other treaties and what happened in practice - these issues would be best examined on the basis of specific cases.

621. Mr. Wager (WTO), in response to Mr. Jenkins, said that non-discrimination in the context of the Agreement on Trade-Related Aspects of Intellectual Property Rights involved either questions relating to the treatment of individual human beings or assessment of the differences between stages of development in different countries. Individual authors, inventors and others were protected from discrimination on grounds of national origin, and were entitled to the same treatment under all types of jurisdiction. That was particularly important for citizens of poorer countries seeking to protect their original creations. It was true that the Agreement did not provide for affirmative action in favour of individuals. However, countries benefited from an extensive system of special treatment rules under the Agreement on Trade-Related Aspects of Intellectual Property Rights, the General Agreement on Tariffs and Trade of 1994 and the General Agreement on Trade and Services. In reply to the president of Rights and Humanity, Mr. Wager said that the issue of expanding the number of exemptions from patentability in relation to essential drugs was being actively discussed by the WTO's General Council as part of the implementation review mechanism established in the wake of the failed round of negotiations at the Third WTO Ministerial Conference, held at Seattle in December 1999.

622. Ms. Hausermann (Rights and Humanity) suggested that one way of considering the relationship between human rights and intellectual property rights was to view human rights as providing an additional analytical and decision-making tool in the process of determining, in the intellectual property context, the balance between the rights of the creator and the public interest. A clearer understanding of the public interest could be obtained by considering the impact of an intellectual property agreement or the individual granting of a copyright or patent on others' enjoyment of, for example, the right to education or health or the right to benefit from scientific progress.

623. Ms. Hausermann saw the Committee holding a particular role in reasserting the primacy of human rights concerns over commercial interests and the profit motive and in reminding States parties to the Covenant that their human rights obligations accompanied them in all international forums. Further, the Committee could also recommend that all international trade and intellectual property negotiators be trained in human rights principles and obligations, thereby ensuring that they took adequate account of human rights in their efforts to determine the appropriate balance between the rights of the creator and the public interest. The Committee could also consider what mechanisms were currently available or should be introduced in order to resolve the apparent conflict between the implementation of intellectual property-related trade law on the one hand, and human rights norms on the other. Finally, the Committee should try to establish a clear distinction between the human right of individual artists or scientists under article 15 of the Covenant and the corporate right of companies that were driven primarily by the dictates of the market and by their shareholders' desire to maximize profits.

624. Mr. Scott (Aboriginal and Torres Strait Islanders Commission) said that the current international intellectual property regime was unfair for indigenous people and for developing countries, and that it both maintained and reinforced inequalities. In this regard, an adequate system of protection of indigenous intellectual property would provide for the right to refuse access to traditional knowledge for those deemed undeserving, and the right to share parts of their knowledge when deemed appropriate without fear of exploitation.

625. The principle of protection of traditional knowledge and that of equitable benefit-sharing provided the world with an opportunity to help indigenous communities to build their own economic foundations and break the cycle of poverty and welfare dependence. Countries would not only benefit from such an arrangement, but would also realize that they themselves were losers if their indigenous peoples lost touch with traditional knowledge.

626. Mr. Meyer-Bisch (University of Fribourg) held that the right to intellectual property was a human right because it formed part of the right to property. The particular feature of a property right was that its subject was both individual and collective. Individual, as a human being could own property in the context of his environment; and collective, in the sense that he owns his environment or the common cultural heritage, which belongs to all members of society. In this sense, the current intellectual property system sustained inequality through a false separation between those with property and those without. The right to cultural property, then, clarified the dividing line between that which is marketable and that which is not: no rule could a priori define the limits, apart from the need to protect all human rights. In this regard, the obligations of States consisted in establishing clear rules balancing freedom of cultural expression against the need for democratic regulation. A democratic cultural policy was one that developed all the public spaces needed for the free exercise of cultural actors' rights.

627. Ms. Dommen (3D Associates) said that three processes were currently under way in the WTO regarding intellectual property, and that the Committee was well placed to intervene in the processes. Firstly, a review of article 27, paragraph 3 (*b*), of the Agreement on Trade-Related Aspects of Intellectual Property Rights - concerning exceptions to patenting of life forms - was taking place. The article was to be amended to impose stronger patenting obligations. Secondly, the Agreement as a whole was under review. The deadline for implementation of the Agreement was 1 January 2000 and the Council for Trade-Related Aspects of Intellectual Property Rights

was reviewing implementing legislation in a number of countries. Thirdly, the WTO General Council was holding special sessions to review implementation of a whole range of WTO agreements, in particular to address developing countries' concerns about their lack of input into the negotiating process and about the substance of their commitments under the existing agreements. Developing countries had called for an assessment of the implementation process to be completed before any new issues were placed on the WTO's agenda. On the question of the Agreement itself, several developing country WTO members have called for a closer examination of articles 7 and 8 of the Agreement, arguing for an assessment of its social, economic and welfare impacts.

628. Mr. Teitelbaum (American Association of Jurists) said that, in relation to intellectual property, a distinction should be made between human rights as a fundamental category of the rights of the human person, and other legally protected rights, such as commercial rights and the rights of corporate entities. This distinction raised the question whether the human and proprietary right to intellectual property could take precedence over the human rights aspects of intellectual property. He considered that the primacy of human rights over the proprietary right to intellectual property was clearly established by article 7 of the Universal Declaration of Human Rights and article 15 of the Covenant.

629. Mr. Prove (Lutheran World Federation, also on behalf of Habitat International Coalition) maintained that the framework within which article 15, paragraph 1 (*c*), of the Covenant was set, and the nature of the subparagraphs which preceded it, made it clear that overly stringent protection of the rights of authors or creators of scientific, literary or artistic productions which had the effect of reducing the capacity of other members of the community to take part in cultural life, or to enjoy the benefits of scientific progress and its applications, could be challenged on human rights grounds. Mr. Prove encouraged the Committee to consider article 15, paragraph 1 (*c*) in the context of the Covenant as a whole, because the right provided for in the article was also circumscribed by other provisions of the Covenant.

630. Mr. Kothari (on behalf of the International NGO Committee on Human Rights in International Trade and Investment), spoke on Trade-Related Aspects of Intellectual Property Rights and drew attention to the fact that patent requirements for life-forms reduced the right to self-determination by reducing people's control over their genetic and natural resources. Moreover, by threatening the sanctity of life, such patents could come into conflict with religious, social and ethical values in developing and developed countries alike. Mr. Kothari also pointed to the similarities between the Covenant and the Convention on Biological Diversity, and to conflict existing between the Agreement and the Convention. Furthermore, the Agreement was silent on gender, and it was important to assess its implications for women's rights in light of relevant provisions of the Convention on the Elimination of All Forms of Discrimination Against Women.

631. Mr. Windfuhr (FIAN - Foodfirst Information and Action Network) said that his organization was currently gathering information on cases of violations of the right to food related to the Agreement on Trade-Related Aspects of Intellectual Property Rights and hoped to publish a detailed study of the subject at the end of February 2001. Mr. Windfuhr stressed, in connection with the Committee's General Comment No. 12 (1999) on the right to adequate food (art. 11 of the Covenant), that access to food-producing resources, and in particular to seeds, was

an important aspect of the right to food. Farmers traditionally set aside a considerable proportion of their harvest for seeding in subsequent years. As more and more patents were taken out on parts of plant varieties, they were compelled to pay royalties for seeds, in some cases to as many as eight different agents. That state of affairs had serious long-term implications for access to seed, particularly by poor and subsistence farmers. Small farmers also created biological diversity by adapting seed varieties to local conditions. The possibility of adding patentable ingredients to the most widely used varieties of seeds was setting a new research agenda, as scientists endeavoured to develop new higher-yield varieties. As a result, local varieties were in danger of disappearing. If they were no longer available, cultivators would find it increasingly difficult to adapt to climate changes. The issues involved were of such urgency that he advocated a moratorium on any new regulation under the Agreement until their implications had been thoroughly studied.

632. Mr. Aguilar (Contextos Latinoamericanos para la Promoción de los Derechos Económicos, Sociales y Culturales) said that accelerated and in some cases far-reaching reforms of national legislation had been undertaken in Latin America, focusing on patents, copyright and related rights, commercial secrecy, plant breeders' rights, and geographical indications. They reinforced the rights of patent-holders, especially in the pharmaceutical industry, introduced substantial increases in fines and penalties for lawbreakers, and had led to the enactment of legislation and the adoption of administrative decisions that would prevent the infringement of intellectual property norms. Many of those norms were modeled on the Agreement on Trade-Related Aspects of Intellectual Property Rights and took no account of local conditions. Almost all the reforms had been introduced under pressure from Powers such as the United States of America, which took punitive legal action under domestic legislation to enforce compliance with intellectual property treaties.

633. Ms. Chapman (American Association for the Advancement of Science), in an effort to summarize the discussion, said that a number of speakers had noted that the public interest provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights were not being effectively implemented and were being ignored in basic decisions. Further, a consensus had emerged that the provisions governing intellectual property as a human right differed sharply from other current intellectual property laws and regulations. Several speakers had recommended that patents and trademarks should not be included under the rubric of human rights. That was an appealing argument on many levels, but Ms. Chapman pointed out that certain kinds of scientific knowledge were currently protected by patents rather than copyright even where the creator or author was an individual scientist.

634. Mr. Wendland (WIPO) said that the fundamental question, as he saw it, was whether any basic values and principles should inform all intellectual property decisions. To answer that question, it would be necessary to look carefully at specific cases. The intellectual property community clearly needed to know more about human rights and it could reciprocate by providing more information about intellectual property.

635. Concluding the discussion, the Chairperson said that the Committee intended to draft a general comment on intellectual property. She looked forward to participation by the intellectual-property community in that process.

# CHAPTER VII

## Review of methods of work of the Committee

### Decisions adopted and matters discussed by the Committee at its twenty-second, twenty-third and twenty-fourth sessions

### Methods of work: periodicity of reporting

636. The Committee's rules of procedure require that, after submission of a State party's initial report, subsequent periodic reports should be submitted to the Committee at five-year intervals (rule 58). However, given that many States submit their reports late and the Committee's consideration of reports is usually delayed due to a lack of resources, a strict interpretation of the five-year rule may lead to the situation where a State party's next periodic report is due in the same year as the Committee's consideration of the State's preceding report.

637. The Committee at its twenty-second to twenty-fourth sessions considered how to respond in an effective, constructive, realistic, fair and consistent manner to this problem, without rewarding those State parties that routinely submit late reports. At its 83rd meeting (twenty-fourth session), held on 30 November 2000, the Committee resolved that, as a general rule, a State party's next periodic report should be submitted five years after the Committee's consideration of the State's preceding report, but that the Committee may reduce this five-year period on the basis of the following criteria and taking into account all relevant circumstances:

(*a*) The timeliness of the State party's submission of its reports in relation to the implementation of the Covenant;

(*b*) The quality of all the information, such as reports and replies to lists of issues, submitted by the State party;

(*c*) The quality of the constructive dialogue between the Committee and the State party;

(*d*) The adequacy of the State party's response to the Committee's concluding observations;

(*e*) The State party's actual record, in practice, regarding implementation of the Covenant in relation to all individuals and groups within its jurisdiction.

638. When seeking to apply these criteria in a balanced and rational manner, the Committee will be guided by the need to enhance its working methods so as to ensure the most effective implementation of the Covenant.

**General comments**

639. At its 18th and 19th meetings (twenty-second session), held on 8 May 2000, the Committee considered under agenda item 3 (Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights) a draft general comment on the right to health. In addition to the Committee's members, representatives of United Nations specialized agencies, non-governmental organizations and individual experts actively participated in the discussion of the draft. General Comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant) was adopted by the Committee at its 25th meeting, on 11 May 2000 (see annex IV below). The Committee expressed its gratitude to Mr. Eibe Riedel who assumed the principal responsibility for drafting and finalizing the text.

640. The Committee also expressed its deep appreciation to those experts who provided their comments on the draft general comment both before the session in writing and orally in the course of its discussion. The Committee was particularly grateful to WHO for the expert advice provided at all stages of the drafting process. Thanks for their valuable and longstanding cooperation with the Committee and contribution to the drafting of the general comment were addressed to the following United Nations specialized agencies, non-governmental organizations and individual experts: ILO, UNAIDS, UNESCO, UNICEF, World Bank; Pan-American Health Organization; American Association for the Advancement of Science, Centre on Housing Rights and Evictions, Centro de Asesoria Laboral del Peru, Child in Need Institute (India), Commonwealth Medical Association, FIAN - Foodfirst International Action Network, Habitat International Coalition, International Anti-Poverty Law Center, Lawyers' Committee for Human Rights, Physicians for Human Rights, Rights and Humanity; Mr. Fons Coomans, Maastricht University (Netherlands), Mr. Aart Hendriks, Advisory Council on Health Research, The Hague (Netherlands), Mr. George Kent, University of Hawai'i, Honolulu (United States of America), Dr. Jean Martin, Cantonal physician, Lausanne (Switzerland), Ms. Brigit Toebes, The Hague (Netherlands), Ms. Alicia Ely Yamin, Columbia University, New York (United States of America).

**Day of general discussion on article 15, paragraph 1 (*c*) of the Covenant**

641. At its twenty-fourth session on 27 November 2000, the Committee held its day of general discussion organized in cooperation with WIPO, on the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author (art. 15, para. 1 (*c*), of the Covenant). The discussion paper prepared by Ms. Audrey Chapman (E/C.12/2000/12) and background documents submitted by specialized agencies, United Nations programmes and individual experts (E/C.12/2000/13 to 20) have been published in all working languages of the Committee. The day of general discussion was attended by representatives of interested intergovernmental and non-governmental organizations, academic institutions, as well as by individual experts who actively participated in the discussion. The Committee particularly appreciated the cooperation of WIPO as well as the active participation of WTO and UNESCO. The Committee decided, as a follow-up to the discussion, to commence the drafting of a general comment on article 15, paragraph 1 (*c*) (see chap. VI above).

**Day of general discussion at the twenty-fifth session**

642. The Committee decided to devote its next day of general discussion, to be held on 7 May 2001, to consultations with the international financial institutions and development agencies to discuss matters of common interest and concern.

**World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance**

643. At its twenty-second to twenty-fourth sessions, the Committee continued to discuss, under agenda item 3 (Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights), issues related to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The Committee reconfirmed its decision taken at its twenty-first session by which it had decided to submit its General Comments No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant) and No. 13 (1999) on the right to education (art. 13 of the Covenant), accompanied by an explanatory introduction, as its contribution to the World Conference. The Committee also decided that, in its consideration of States parties' reports, it would request States parties to provide information on measures taken within the framework of the preparatory activities for the World Conference and after the World Conference on follow-up at the national level to the recommendations adopted by the Conference, in particular regarding its implications for the effective promotion and protection of the economic, social and cultural rights enshrined in the Covenant.

**Cooperation with other bodies and special procedures' mechanisms within the United Nations human rights system**

644. With a view to enhancing its efficiency and quality of work, the Committee has sought for many years to cooperate appropriately with other parts of the United Nations human rights system.

(*a*) *The Committee's meeting with the Special Rapporteur on the question of adequate housing of the Commission on Human Rights*

645. At its 80th meeting, held on 29 November 2000, the Committee welcomed Mr. Miloon Kothari, who was recently appointed by the Commission on Human Rights as the Special Rapporteur on the question of adequate housing. While outlining how he expected to approach his mandate, the Special Rapporteur remarked upon the complementary, but distinct, roles of the Special Rapporteur and the Committee. He and several Committee members emphasized that the Special Rapporteur and Committee should cooperate so as to enhance their respective responsibilities. It was noted that complementary, reciprocal follow-up regarding the Special Rapporteur's country-specific recommendations and the Committee's concluding observations was a particularly promising area of cooperation.

(*b*) *Participation at a workshop with members of the Committee on the Rights of the Child on the right to education*

646. Through its Chairperson, the Committee on Economic, Social and Cultural Rights accepted an invitation to send a representative to a workshop with members of the Committee on the Rights of the Child on aspects of the right to education. The workshop, which was organized by Save the Children (Sweden) and took place in Stockholm from 23 to 24 November 2000, discussed the projected general comment of the Committee on the Rights of the Child on the aims of education. During the workshop, the representative of the Committee on Economic, Social and Cultural Rights presented and discussed Committee General Comments No. 11 (1999) on plans of action for primary education (art. 13 of the Covenant) and No. 13 (1999) on the right to education (art. 14 of the Covenant). The Committee on Economic, Social and Cultural Rights warmly welcomed this cooperation with the Committee on the Rights of the Child and hoped that it might be further developed in the future.

**Designation of a focal point on the right to development**

647. At its twenty-fourth session the Committee, having followed for many years the work being done within the United Nations with respect to the right to development, designated Ms. Virginia Bonoan-Dandan and Mr. Eibe Riedel as the Committee's focal point on right to development issues, including the activities of the Commission on Human Rights (Working Group on the Right to Development and Independent expert on the right to development).

**Cooperation with international financial institutions**

648. In 2000 the Committee continued to explore possibilities to enhance its cooperation with international financial institutions within the framework of its mandate as defined by the Covenant and relevant decisions of the Economic and Social Council. The Committee noted with satisfaction the more active participation of the World Bank and IMF in its activities, particularly in its days of general discussion and consideration and adoption of general comments. On 7 September 2000, the Chairperson of the Committee sent a letter to the President of the World Bank and to the Managing Director of IMF (see annex VI, sect. A, below), drawing their attention to the human rights dimension inherent in the new Poverty Reduction Strategy Paper and in the Heavily Indebted Poor Country initiative for debt relief. Both institutions responded positively to the above letter (World Bank President in a letter dated 26 September 2000 (ibid., sect. B) and IMF Managing Director by a letter dated 14 November 2000 (ibid., sect. C)), welcoming greater dialogue with the Committee on these issues.

**Enhancing collaboration with UNESCO**

649. At its twenty-second to twenty-fourth sessions the Committee noted with appreciation the more active participation of UNESCO in its work, particularly information provided both in writing and orally by the UNESCO representative coming from Headquarters in respect of the States parties' reports considered by the Committee at these sessions. The Committee also

greatly appreciated the contribution made by UNESCO representatives to its day of general discussion on article 15, paragraph 1 (*c*), held on 27 November 2000 and regarding the drafting of the two general comments on the right to education adopted by the Committee at its twentieth and twenty-first sessions in 1999. Building on the positive experience acquired during last year, the Committee, in a letter of 22 August 2000 addressed by its Chairperson to the Director-General of UNESCO (see annex VII, sect. 1, below), expressed its wish to strengthen the cooperation with UNESCO with a view to accomplishing common objectives. The Director-General of UNESCO, in a letter dated 10 November 2000 (ibid., sect. B), particularly appreciated the Committee's initiative aimed at enhancing collaboration between UNESCO and the Committee in a mutually complementary spirit, and congratulated the Committee on the excellent work it is doing in monitoring implementation of the rights enshrined in the Covenant, especially the right to education.

### The Committee's statement to the Convention to draft a Charter of Fundamental Rights of the European Union

650. At its twenty-second session the Committee adopted a Statement with respect to the discussion by the Convention to draft a Charter of Fundamental Rights of the European Union as far as it relates to economic, social and cultural rights. In a letter dated 27 April 2000 addressed to the President of the Convention, the Chairperson of the Committee brought this Statement to the attention of the Convention (see annex VIII to this report).

### Non-governmental organizations paper

651. The Committee attaches great importance to cooperation with all non-governmental organizations active in the field of economic, social and cultural rights - local, national and international, those in consultative status with the Economic and Social Council and those without such status. The Committee constantly encourages their participation in its activities. In an effort to secure the most effective and widest possible participation of non-governmental organizations in its activities, the Committee adopted, at its eighth session, in 1993, a procedure relating to non-governmental organization participation, which explains in a concise manner the modalities of these organizations' participation in the Committee's work.[25] The basic principles set out in this procedure have since been supplemented, as the Committee's practice has evolved. These developments are reflected in the annual reports of the Committee, in the chapter entitled "Review of the methods of work of the Committee".

652. At its twenty-third session, the Committee noted with appreciation a note by the secretariat entitled "Non-governmental organization participation in the activities of the Committee on Economic, Social and Cultural Rights" (E/C.12/2000/6), which updates the procedure for non-governmental organization participation in the Committee's activities. At its twenty-fourth session the Committee adopted the text of the note (see annex V below).

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[25] See *Official Records of the Economic and Social Council, 1994, Supplement No. 3* (E/1994/23-E/C.12/1993/19), chap. VII, para. 354.

**Assistance by the secretariat**

653. The Committee noted with appreciation the increasing flow of public information it is receiving from the secretariat, particularly from relevant country desk officers (Activities and Programs Branch) and others within the Office of the United Nations High Commissioner for Human Rights, prior to the Committee's consideration of States parties' reports. The Committee also noted with appreciation information provided by the Secretariat to the Committee's pre-sessional working group, the main function of which is to adopt written lists of issues with respect to the States parties' reports received by the Committee and pending consideration. Since such information improves the Committee's efficiency and the quality of its work, particularly as far as its constructive dialogue with the States parties is concerned, the Committee hoped that this enhanced cooperation would continue to develop and become a firmly established feature of the Committee's working methods.

# CHAPTER VIII

## Adoption of the report

654. At its 84th meeting, held on 1 December 2000, the Committee considered its draft report to the Economic and Social Council on the work of its twenty-second, twenty-third and twenty-fourth sessions (E/C.12/2000/CRP.1). The Committee adopted the report as it had been modified during the discussions.

# ANNEX I

## States parties to the Covenant and status of submission of reports
(as of 31 December 2000)

### A. Initial and second periodic reports

| State party | Date of entry into force | Initial reports | | | Second periodic reports | | |
|---|---|---|---|---|---|---|---|
| | | Articles 6-9 | Articles 10-12 | Articles 13-15 | Articles 6-9 | Articles 10-12 | Articles 13-15 |
| | | (Summary records of consideration of reports) | | | | | |
| 1. Afghanistan | 24 April 1983 | E/1990/5/Add.8 (E/C.12/1991/SR.2, 4-6 and 8) | | | Overdue | | |
| 2. Albania | 4 January 1992 | Overdue | | | | | |
| 3. Algeria | 12 December 1989 | E/1990/5/Add.22 (E/C.12/1995/SR.46-48) | | | E/1990/6/Add.26 (Received 23 May 2000 - Pending consideration) | | |
| 4. Angola | 10 April 1992 | Overdue | | | | | |
| 5. Argentina | 8 November 1986 | E/1990/5/Add.18 (E/C.12/1994/SR.31-2, 35-37) | | E/1988/5/Add.4 E/1988/5/Add.8 (E/C.12/1990/ SR.18-20) | E/1990/6/Add.16 (E/C.12/1999/SR.33-36) | | |
| 6. Armenia | 13 December 1993 | E/1990/5/Add.36 (E/C.12/1999/SR.38-40) | | | Due on 30 June 2001 | | |
| 7. Australia | 10 March 1976 | E/1978/8/Add.15 (E/1980/WG.1/ SR.12-13) | E/1980/6/Add.22 (E/1981/WG.1/ SR.18) | E/1982/3/Add.9 (E/1982/WG.1/ SR.13-14) | E/1984/7/Add.22 (E/1985/WG.1/ SR.17-18 and 21) | E/1986/4/Add.7 (E/1986/WG.1/ SR.10-11, 13-14) | E/1990/7/Add.13 (E/C.12/1993/ SR.13, 15 and 20) |
| 8. Austria | 10 December 1978 | E/1984/6/Add.17 (E/C.12/1988/ SR.3-4) | E/1980/6/Add.19 (E/1981/WG.1/ SR.8) | E/1982/3/Add.37 (E/C.12/1988/ SR.3) | E/1990/6/Add.5 (E/C.12/1994/ SR.39-41) | E/1986/4/Add.8 and Corr.1 (E/1986/WG.1/ SR.4 and 7) | E/1990/6/Add.5 (E/C.12/1994/ SR.39-41) |
| 9. Azerbaijan | 13 November 1992 | E/1990/5/Add.30 (E/C.12/1997/SR.39-41) | | | Overdue | | |
| 10. Bangladesh | 5 January 1999 | Due on 30 June 2001 | | | | | |
| 11. Barbados | 3 January 1976 | E/1978/8/Add.33 (E/1982/WG.1/ SR.3) | E/1980/6/Add.27 (E/1982/WG.1/ SR.6-7) | E/1982/3/Add.24 (E/1983/WG.1/ SR.14-15) | Overdue | | |
| 12. Belarus | 3 January 1976 | E/1978/8/Add.19 (E/1980/WG.1/ SR.16) | E/1980/6/Add.18 (E/1981/WG.1/ SR.16) | E/1982/3/Add.3 (E/1982/WG.1/ SR.9-10) | E/1984/7/Add.8 (E/1984/WG.1/ SR.13-15) | E/1986/4/Add.19 (E/C.12/1988/ SR.10-12) | E/1990/7/Add.5 (E/C.12/1992/ SR.2-3 and 12) |
| 13. Belgium | 21 July 1983 | E.1990/5/Add.15 (E/C.12/1994/SR.15-17) | | | E/1990/6/Add.18 (E/C.12/2000/SR.64-66) | | |
| 14. Benin | 12 June 1992 | Overdue | | | | | |
| 15. Bolivia | 12 November 1982 | E/1990/5/Add.44 (Received 15 July 1999 - Pending consideration) | | | | | |

**ANNEX I** (*continued*)

| State party | Date of entry into force | Initial reports | | | Second periodic reports | | |
|---|---|---|---|---|---|---|---|
| | | Articles 6-9 | Articles 10-12 | Articles 13-15 | Articles 6-9 | Articles 10-12 | Articles 13-15 |
| | | (Summary records of consideration of reports) | | | | | |
| 16. Bosnia and Herzegovina | 6 March 1993 | Overdue | | | | | |
| 17. Brazil | 24 April 1992 | Overdue | | | | | |
| 18. Bulgaria | 3 January 1976 | E/1978/8/Add.24 (E/1980/WG.1/ SR.12) | E/1980/6/Add.29 (E/1982/WG.1/ SR.8) | E/1982/3/Add.23 (E/1983/WG.1/ SR.11-13) | E/1984/7/Add.18 (E/1985/WG.1/ SR.9-11) | E/1986/4/Add.20 (E/C.12/1988/ SR.17-19) | |
| 19. Burkina Faso | 4 April 1999 | Due on 30 June 2001 | | | | | |
| 20. Burundi | 9 August 1990 | Overdue | | | | | |
| 21. Cambodia | 26 August 1992 | Overdue | | | | | |
| 22. Cameroon | 27 September 1984 | E/1990/5/Add.35 (E/C.12/1999/ SR.41-43) | E/1986/3/Add.8 (E/C.12/1989/ SR.6-7) | E/1990/5/Add.35 (E/C.12/1999/ SR.41-43) | | | |
| 23. Canada | 19 August 1976 | E/1978/8/Add.32 (E/1982/WG.1/ SR.1-2) | E/1980/6/Add.32 (E/1984/WG.1/ SR.4 and 6) | E/1982/3/Add.34 (E/1986/WG.1/ SR.13, 15 and 16) | E/1984/7/Add.28 (E/C.12/1989/ SR.8 and 11) | E/1990/6/Add.3 (E/C.12/1993/SR.6-7 and 18) | |
| 24. Cape Verde | 6 November 1993 | Overdue | | | | | |
| 25. Central African Republic | 8 August 1981 | Overdue | | | | | |
| 26. Chad | 9 September 1995 | Overdue | | | | | |
| 27. Chile | 3 January 1976 | E/1978/8/Add.10 and 28 (E/1980/WG.1/ SR.8-9) | E/1980/6/Add.4 (E/1981/WG.1/ SR.7) | E/1982/3/Add.40 (E/C.12/1988/ SR.12-13 and 16) | E/1984/7/Add.1 (E/1984/WG.1/ SR.11-12) | E/1986/4/Add.18 (E/C.12/1988/ SR.12-13 and 16) | Overdue |
| 28. Colombia | 3 January 1976 | E/1978/8/Add.17 (E/1980/WG.1/ SR.15) | E/1986/3/Add.3 (E/1986/WG.1/ SR.6 and 9) | E/1982/3/Add.36 (E/1986/WG.1/ SR.15, 21 and 22) | E/1984/7/Add.21/ Rev.1 (E/1986/WG.1/ SR.22 and 25) | E/1986/4/Add.25 (E/C.12/1990/ SR.12-14 and 17) | E/1990/7/Add.4 (E/C.12/1991/ SR.17-18 and 25) |
| 29. Costa Rica | 3 January 1976 | E/1990/5/Add.3 (E/C.12/1990/SR.38, 40, 41 and 43) | | | Overdue | | |
| 30. Côte d'Ivoire | 26 June 1992 | Overdue | | | | | |
| 31. Croatia | 8 October 1991 | E/1990/5/Add.46 (Received 4 July 2000 - Pending consideration) | | | | | |
| 32. Cyprus | 3 January 1976 | E/1978/8/Add.21 (E/1980/WG.1/ SR.17) | E/1980/6/Add.3 (E/1981/WG.1/ SR.6) | E/1982/3/Add.19 (E/1983/WG.1/ SR.7-8) | E/1984/7/Add.13 (E/1984/WG.1/ SR.18 and 22) | E/1986/4/Add.2 and 26 (E/C.12/1990/ SR.2-3 and 5) | |
| 33. Czech Republic | 1 January 1993 | E/1990/5/Add.47 (Received 30 August 2000 - Pending consideration) | | | | | |

ANNEX I (*continued*)

| State party | Date of entry into force | Initial reports | | | Second periodic reports | | |
|---|---|---|---|---|---|---|---|
| | | Articles 6-9 | Articles 10-12 | Articles 13-15 | Articles 6-9 | Articles 10-12 | Articles 13-15 |
| 34. Democratic People's Republic of Korea | 14 December 1981 | (Summary records of consideration of reports) E/1984/6/Add.7 (E/C.12/1987/ SR.21-22) | E/1986/3/Add.5 (E/C.12/1987/ SR.21-22) | E/1988/5/Add.6 (E/C.12/1991/ SR.6, 8 and 10) | Overdue | | |
| 35. Democratic Republic of the Congo | 1 February 1977 | E/1984/6/Add.18 | E/1986/3/Add.7 | E/1982/3/Add.41 (E/C.12/1988/SR.16-19) | Overdue | | |
| 36. Denmark | 3 January 1976 | E/1978/8/Add.13 (E/1980/WG.1/ SR.10) | E/1980/6/Add.15 (E/1981/WG.1/ SR.12) | E/1982/3/Add.20 (E/1983/WG.1/ SR.8-9) | E/1984/7/Add.11 (E/1984/WG.1/ SR.17 and 21) | E/1986/4/Add.16 (E/C.12/1988/ SR.8-9) | |
| 37. Dominica | 17 September 1993 | Overdue | | | | | |
| 38. Dominican Republic | 4 April 1978 | E/1990/5/Add.4 (E/C.12/1990/SR.43-45 and 47) | | | E/1990/6/Add.7 (E/C.12/1996/SR.29 and 30) (E/C.12/1997/SR.29-31) | | |
| 39. Ecuador | 3 January 1976 | E/1978/8/Add.1 (E/1980/WG.1/ SR.4-5) | E/1986/3/Add.14 | E/1988/5/Add.7 (E/C.12/1990/SR.37-39 and 42) | E/1984/7/Add.12 (E/1984/WG.1/ SR.20 and 22) | Overdue | |
| 40. Egypt | 14 April 1982 | E/1990/5/Add.38 (E/C.12/2000/SR.12-13) | | | Due on 30 June 2003 | | |
| 41. El Salvador | 29 February 1980 | E/1990/5/Add.25 (E/C.12/1996/SR.15-16 and 18) | | | Overdue | | |
| 42. Equatorial Guinea | 25 December 1987 | Overdue | | | | | |
| 43. Eritrea | 20 April 1999 | Due on 30 June 2001 | | | | | |
| 44. Estonia | 21 January 1992 | Overdue | | | | | |
| 45. Ethiopia | 11 September 1993 | Overdue | | | | | |
| 46. Finland | 3 January 1976 | E/1978/8/Add.14 (E/1980/WG.1/ SR.6) | E/1980/6/Add.11 (E/1981/WG.1/ SR.10) | E/1982/3/Add.28 (E/1984/WG.1/ SR.7-8) | E/1984/7/Add.14 (E/1984/WG.1/ SR.17-18) | E/1986/4/Add.4 (E/1986/WG.1/ SR.8-9 and 11) | E/1990/7/Add.1 (E/C.12/1991/ SR.11-12 and 16) |
| 47. France | 4 February 1981 | E/1984/6/Add.11 (E/1986/WG.1/ SR.18-19 and 21) | E/1986/3/Add.10 (E/C.12/1989/ SR.12-13) | E/1982/3/Add.30 and Corr.1 (E/1985/WG.1/ SR.5 and 7) | E/1990/6/Add.27 (Received 30 June 2000 - Pending consideration) | | |
| 48. Gabon | 21 April 1983 | Overdue | | | | | |
| 49. Gambia | 29 March 1979 | Overdue | | | | | |
| 50. Georgia | 3 August 1994 | E/1990/5/Add.37 (E/C.12/2000/SR.3-5) | | | | | |

ANNEX I (*continued*)

| State party | Date of entry into force | Initial reports | | | Second periodic reports | | |
|---|---|---|---|---|---|---|---|
| | | Articles 6-9 | Articles 10-12 | Articles 13-15 | Articles 6-9 | Articles 10-12 | Articles 13-15 |
| | | (Summary records of consideration of reports) | | | | | |
| 51. Germany | 3 January 1976 | E/1978/8/Add.8 and Corr.1 (E/1980/WG.1/ SR.8) E/1978/8/Add.11 (E/1980/WG.1/ SR.10) | E/1980/6/Add.6 (E/1981/WG.1/ SR.8) E/1980/6/Add.10 (E/1981/WG.1/ SR.10) | E/1982/3/Add.15 and Corr.1 (E/1983/WG.1/ SR.5-6) E/1982/3/Add.14 (E/1982/WG.1/ SR.17-18) | E/1984/7/Add.3 and 23 (E/1985/WG.1/ SR.12 and 16) E/1984/7/Add.24 and Corr.1 (E/1986/WG.1/ SR.22-23 and 25) | E/1986/4/Add.11 (E/C.12/1987/ SR.11, 12 and 14) E/1986/4/Add.10 (E/C.12/1987/ SR.19-20) | E/1990/7/Add.12 (E/C.12/1993/ SR.35-36 and 46) |
| 52. Ghana | 7 December 2000 | Due on 30 June 2002 | | | | | |
| 53. Greece | 16 August 1985 | Overdue | | | | | |
| 54. Grenada | 6 December 1991 | Overdue | | | | | |
| 55. Guatemala | 19 August 1988 | E/1990/5/Add.24 (E/C.12/1996/SR.11-14) | | | Overdue | | |
| 56. Guinea | 24 April 1978 | Overdue | | | | | |
| 57. Guinea-Bissau | 2 October 1992 | Overdue | | | | | |
| 58. Guyana | 15 May 1977 | E/1990/5/Add.27 | | E/1982/3/Add.5, 29 and 32 (E/1984/WG.1/ SR.20 and 22 and E/1985/WG.1/ SR.6) | | | |
| 59. Honduras | 17 May 1981 | E/1990/5/Add.40 (Received on 2 April 1998 - Pending consideration) | | | | | |
| 60. Hungary | 3 January 1976 | E/1978/8/Add.7 (E/1980/WG.1/ SR.7) | E/1980/6/Add.37 (E/1986/WG.1/ SR.6-7 and 9) | E/1982/3/Add.10 (E/1982/WG.1/ SR.14) | E/1984/7/Add.15 (E/1984/WG.1/ SR.19 and 21) | E/1986/4/Add.1 (E/1986/WG.1/ SR.6-7 and 9) | E/1990/7/Add.10 (E/C.12/1992/ SR.9, 12 and 21) |
| 61. Iceland | 22 November 1979 | E/1990/5/Add.6 (E/C.12/1993/SR.29-31 and 46) E/1990/5/Add.14 | | | E/1990/6/Add.15 (E/C.12/1999/SR.3-5) | | |
| 62. India | 10 July 1979 | E/1984/6/Add.13 (E/1986/WG.1/ SR.20 and 24) | E/1980/6/Add.34 (E/1984/WG.1/ SR.6 and 8) | E/1988/5/Add.5 (E/C.12/1990/ SR.16-17 and 19) | Overdue | | |
| 63. Iran (Islamic Republic of) | 3 January 1976 | E/1990/5/Add.9 (E/C.12/1993/SR.7-9 and 20) | | E/1982/3/Add.43 (E/C.12/1990/ SR.42-43 and 45) | Overdue | | |
| 64. Iraq | 3 January 1976 | E/1984/6/Add.3 and 8 (E/1985/WG.1/ SR.8 and 11) | E/1980/6/Add.14 (E/1981/WG.1/ SR.12) | E/1982/3/Add.26 (E/1985/WG.1/ SR.3-4) | | E/1986/4/Add.3 (E/1986/WG.1/ SR.8 and 11) | E/1990/7/Add.15 (E/C.12/1994/ SR.11 and 14) |

ANNEX I (*continued*)

| State party | Date of entry into force | Initial reports | | | Second periodic reports | | |
|---|---|---|---|---|---|---|---|
| | | Articles 6-9 | Articles 10-12 | Articles 13-15 | Articles 6-9 | Articles 10-12 | Articles 13-15 |
| 65. Ireland | 8 March 1990 | (Summary records of consideration of reports) E/1990/5/Add.34 (E/C.12/1999/SR.14-16) | | | E/1990/6/Add.29 (Received 25 August 2000 - Pending consideration) | | |
| 66. Israel | 3 January 1992 | E/1990/5/Add.39 (E/C.12/1998/SR.31-33) | | | Overdue | | |
| 67. Italy | 15 December 1978 | E/1978/8/Add.34 (E/1982/WG.1/ SR.3-4) | E/1980/6/Add.31 and 36 (E/1984/WG.1/ SR.3 and 5) | | E/1990/6/Add.2 (E/C.12/1992/SR.13, 14 and 21) | | |
| 68. Jamaica | 3 January 1976 | E/1978/8/Add.27 (E/1980/WG.1/ SR.20) | E/1986/3/Add.12 (E/C.12/1990/ SR.10-12 and 15) | E/1988/5/Add.3 (E/C.12/1990/ SR.10-12 and 15) | E/1984/7/Add.30 (E/C.12/1990/ SR.10-12 and 15) | E/1990/6/Add.28 (Received 16 August 2000 - Pending consideration) | |
| 69. Japan | 21 September 1979 | E/1984/6/Add.6 and Corr.1 (E/1984/WG.1/ SR.9-10) | E/1986/3/Add.4 and Corr.1 (E/1986/WG.1/ SR.20-21 and 23) | E/1982/3/Add.7 (E/1982/WG.1 SR.12-13) | E/1990/6/Add.21 and Corr.1 (Received 21 June 1999 - Pending consideration) | | |
| 70. Jordan | 3 January 1976 | E/1984/6/Add.15 (E/C.12/1987/ SR.6-8) | E/1986/3/Add.6 (E/C.12/1987/ SR.8) | E/1982/3/Add.38/ Rev.1 (E/C.12/1990/ SR.30-32) | E/1990/6/Add.17 (E/C.12/2000/SR.30-33) | | |
| 71. Kenya | 3 January 1976 | E/1990/5/Add.18 | | | Overdue | | |
| 72. Kuwait | 31 August 1996 | Overdue | | | | | |
| 73. Kyrgyzstan | 7 January 1995 | E/1990/5/Add.42 (E/C.12/2000/SR.42-44) | | | Due 30 June 2005 | | |
| 74. Latvia | 14 July 1992 | Overdue | | | | | |
| 75. Lebanon | 3 January 1976 | E/1990/5/Add.16 (E/C.12/1993/SR.14, 16 and 21) | | | Overdue | | |
| 76. Lesotho | 9 December 1992 | Overdue | | | | | |
| 77. Libyan Arab Jamahiriya | 3 January 1976 | E/1990/5/Add.26 (E/C.12/1997/SR.20-21) | | E/1982/3/Add.6 and 25 (E/1983/WG.1/ SR.16-17) | Overdue | | |
| 78. Liechtenstein | 10 March 1999 | Due on 30 June 2001 | | | | | |
| 79. Lithuania | 20 February 1992 | Overdue | | | | | |
| 80. Luxembourg | 18 November 1983 | E/1990/5/Add.1 (E/C.12/1990/SR.33-36) | | | E/1990/6/Add.9 (E/C.12/1997/SR.48 and 49) | | |
| 81. Madagascar | 3 January 1976 | E/1978/8/Add.29 (E/1981/WG.1/ SR.2) | E/1980/6/Add.39 (E/1986/WG.1/ SR.2-3 and 5) | Overdue | E/1984/7/Add.19 (E/1985/WG.1/ SR.14 and 18) | Overdue | |
| 82. Malawi | 22 March 1994 | Overdue | | | | | |
| 83. Mali | 3 January 1976 | Overdue | | | | | |
| 84. Malta | 13 December 1990 | Overdue | | | | | |
| 85. Mauritius | 3 January 1976 | E/1990/5/Add.21 (E/C.12/1995/SR.40-41 and 43) | | | Overdue | | |

ANNEX I (*continued*)

| State party | Date of entry into force | Initial reports | | | Second periodic reports | | |
|---|---|---|---|---|---|---|---|
| | | Articles 6-9 | Articles 10-12 | Articles 13-15 | Articles 6-9 | Articles 10-12 | Articles 13-15 |
| | | (Summary records of consideration of reports) | | | | | |
| 86. Mexico | 23 June 1981 | E/1984/6/Add.2 and 10 (E/1986/WG.1/ SR.24, 26 and 28) | E/1986/3/Add.13 (E/C.12/1990/ SR.6-7 and 9) | E/1982/3/Add.8 (E/1982/WG.1/ SR.14-15) | E/1990/6/Add.4 (E/C.12/1993/SR.32-35 and 49) | | |
| 87. Monaco | 28 November 1997 | Overdue | | | | | |
| 88. Mongolia | 3 January 1976 | E/1978/8/Add.6 (E/1980/WG.1/ SR.7) | E/1980/6/Add.7 (E/1981/WG.1/ SR.8-9) | E/1982/3/Add.11 (E/1982/WG.1/ SR.15-16) | E/1984/7/Add.6 (E/1984/WG.1/ SR.16 and 18) | E/1986/4/Add.9 (E/C.12/1988/ SR.5 and 7) | |
| 89. Morocco | 3 August 1979 | E/1990/5/Add.13 (E/C.12/1994/SR.8-10) | | | E/1990/6/Add.20 (E/C.12/2000/SR.70-72 - Pending consideration) | | |
| 90. Namibia | 28 February 1995 | Overdue | | | | | |
| 91. Nepal | 14 August 1991 | E/1990/5/Add.45, Received on 25 October 1999 | | | | | |
| 92. Netherlands | 11 March 1979 | E/1984/6/Add.14 and 20 (E/C.12/1987/ SR.5-6) (E/C.12/1989/ SR.14-15) | E/1980/6/Add.33 (E/1984/WG.1/ SR.4-6 and 8) | E/1982/3/Add.35 and 44 (E/1986/WG.1/ SR.14 and 18) (E/C.12/1989/ SR.14-15) | E/1990/6/Add.11 E/1990/6/Add.12 (E/C.12/1998/ SR.13-17) | E/1986/4/Add.24 (E/C.12/1989/ SR.14-15) | E/1990/6/Add.13 (E/C.12/1998/ SR.13-17) |
| 93. New Zealand | 28 March 1979 | E/1990/5/Add.5, E/1990/5/Add.11 and E/1990/5/Add.12 (E/C.12/1993/SR.24-26 and 40) | | | Overdue | | |
| 94. Nicaragua | 12 June 1980 | E/1984/6/Add.9 (E/1986/WG.1/ SR.16-17 and 19) | E/1986/3/Add.15 (E/C.12/1993/ SR.27-28 and 46) | E/1982/3/Add.31 and Corr.1 (E/1985/WG.1/ SR.15) | Overdue | | |
| 95. Niger | 7 June 1986 | Overdue | | | | | |
| 96. Nigeria | 29 October 1993 | E/1990/5/Add.31 (E/C.12/1998/SR.6-9) | | | Overdue (Was to be submitted on 30 June 2000) | | |
| 97. Norway | 3 January 1976 | E/1978/8/Add.12 (E/1980/WG.1/ SR.5) | E/1980/6/Add.5 (E/1981/WG.1/ SR.14) | E/1982/3/Add.12 (E/1982/WG.1/ SR.16) | E/1984/7/Add.16 (E/1984/WG.1/ SR.19 and 22) | E/1986/4/Add.21 (E/C.12/1988/ SR.14-15) | E/1990/7/Add.7 (E/C.12/1992/ SR.4-5 and 12) |
| 98. Panama | 8 June 1977 | E/1984/6/Add.19 (E/C.12/1991/ SR.3, 5 and 8) | E/1980/6/Add.20 and 23 (E/1982/WG.1/ SR.5) | E/1988/5/Add.9 (E/C.12/1991/ SR.3-5 and 8) | E/1990/6/Add.24 (Received on 14 July 1999 - Pending consideration) | E/1986/4/Add.22 (E/C.12/1991/ SR.3, 5 and 8) | E/1990/6/Add.24 (Pending consideration) |
| 99. Paraguay | 10 September 1992 | E/1990/5/Add.23 (E/C.12/1996/SR.1-2 and 4) | | | Overdue | | |
| 100. Peru | 28 July 1978 | E/1984/6/Add.5 (E/1984/WG.1/ SR.11 and 18) | E/1990/5/Add.29 (E/C.12/1997/SR.15-17) | | Overdue | | |

ANNEX I (*continued*)

| State party | Date of entry into force | Initial reports | | | Second periodic reports | | |
|---|---|---|---|---|---|---|---|
| | | Articles 6-9 | Articles 10-12 | Articles 13-15 | Articles 6-9 | Articles 10-12 | Articles 13-15 |
| | | (Summary records of consideration of reports) | | | | | |
| 101. Philippines | 3 January 1976 | E/1978/8/Add.4 (E/1980/WG.1/ SR.11) | E/1986/3/Add.17 (E/C.12/1995/ SR.11-12 and 14) | E/1988/5/Add.2 (E/C.12/1990/ SR.8-9 and 11) | E/1984/7/Add.4 (E/1984/WG.1/ SR.15 and 20) | Overdue | |
| 102. Poland | 18 June 1977 | E/1978/8/Add.23 (E/1980/WG.1/ SR.18-19) | E/1980/6/Add.12 (E/1981/WG.1/ SR.11) | E/1982/3/Add.21 (E/1983/WG.1/ SR.9-10) | E/1984/7/Add.26 and 27 (E/1986/WG.1/ SR.25-27) | E/1986/4/Add.12 (E/C.12/1989/ SR.5-6) | E/1990/7/Add.9 (E/C.12/1992/ SR.6-7 and 15) |
| 103. Portugal | 31 October 1978 | | E/1980/6/Add.35/ Rev.1 (E/1985/WG.1/ SR.2 and 4) | E/1982/3/Add.27/ Rev.1 (E/1985/WG.1/ SR.6 and 9) | E/1990/6/Add.6 (E/C.12/1995/SR.7-8 and 10) E/1990/6/Add.8 (Macao) (E/C.12/1996/SR.31-33) | | |
| 104. Republic of the Congo | 5 January 1984 | Overdue (Without report: E/C.12/2000/SR.16-17) | | | | | |
| 105. Republic of Korea | 10 July 1990 | E/1990/5/Add.19 (E/C.12/1995/SR.3-4 and 6) | | | E/1990/6/Add.23 (Received 1 July 1999 - Pending consideration) | | |
| 106. Republic of Moldova | 26 March 1993 | Overdue | | | | | |
| 107. Romania | 3 January 1976 | E/1978/8/Add.20 (E/1980/WG.1/ SR.16-17) | E/1980/6/Add.1 (E/1981/WG.1/ SR.5) | E/1982/3/Add.13 (E/1982/WG.1/ SR.17-18) | E/1984/7/Add.17 (E/1985/WG.1/ SR.10 and 13) | E/1986/4/Add.17 (E/C.12/1988/ SR.6) | E/1990/7Add.14 (E/C.12/1994/ SR.5, 7 and 13) |
| 108. Russian Federation | 3 January 1976 | E/1978/8/Add.16 (E/1980/WG.1/ SR.14) | E/1980/6/Add.17 (E/1981/WG.1/ SR.14-15) | E/1982/3/Add.1 (E/1982/WG.1/ SR.11-12) | E/1984/7/Add.7 (E/1984/WG.1/ SR.9-10) | E/1986/4/Add.14 (E/C.12/1987/ SR.16-18) | E/1990/7/Add.8 (Withdrawn) |
| 109. Rwanda | 3 January 1976 | E/1984/6/Add.4 (E/1984/WG.1/ SR.10 and 12) | E/1986/3/Add.1 (E/1986/WG.1/ SR.16 and 19) | E/1982/3/Add.42 (E/C.12/1989/ SR.10-12) | E/1984/7/Add.29 (E/C.12/1989/ SR.10-12) | Overdue | |
| 110. Saint Vincent and the Grenadines | 9 February 1982 | Overdue | | | | | |
| 111. San Marino | 18 January 1986 | Overdue | | | | | |
| 112. Senegal | 13 May 1978 | E/1984/6/Add.22 (E/C.12/1993/ SR.37-38 and 49) | E/1980/6/Add.13/ Rev.1 (E/1981/WG.1/ SR.11) | E/1982/3/Add.17 (E/1983/WG.1/ SR.14-16) | E/1990/6/Add.25 (Received 28 September 1999 - Pending consideration) | | |
| 113. Seychelles | 5 August 1982 | Overdue | | | | | |
| 114. Sierra Leone | 23 November 1996 | Overdue | | | | | |
| 115. Slovakia | 28 May 1993 | Overdue | | | | | |
| 116. Slovenia | 6 July 1992 | Overdue | | | | | |

ANNEX I (*continued*)

| State party | Date of entry into force | Initial reports | | | Second periodic reports | | |
|---|---|---|---|---|---|---|---|
| | | Articles 6-9 | Articles 10-12 | Articles 13-15 | Articles 6-9 | Articles 10-12 | Articles 13-15 |
| | | (Summary records of consideration of reports) | | | | | |
| 117. Solomon Islands | 17 March 1982 | Overdue (Without report: E/C.12/1999/SR.9) | | | | | |
| 118. Somalia | 24 April 1990 | Overdue | | | | | |
| 119. Spain | 27 July 1977 | E/1978/8/Add.26 (E/1980/WG.1/ SR.20) | E/1980/6/Add.28 (E/1982/WG.1/ SR.7) | E/1982/3/Add.22 (E/1983/WG.1/ SR.10-11) | E/1984/7/Add.2 (E/1984/WG.1/ SR.12 and 14) | E/1986/4/Add.6 (E/1986/WG.1/ SR.10 and 13) | E/1990/7/Add.3 (E/C.12/1991/ SR.13-14, 16 and 22) |
| 120. Sri Lanka | 11 September 1980 | E/1990/5/Add.32 (E/C.12/1998/SR.3-5) | | | | | |
| 121. Sudan | 18 June 1986 | E/1990/5/Add.41 (E/C.12/2000/SR.36 and 38-41) | | | Due 30 June 2003 | | |
| 122. Suriname | 28 March 1977 | E/1990/5/Add.20 (E/C.12/1995/SR.13, 15 and 16) | | | Overdue | | |
| 123. Sweden | 3 January 1976 | E/1978/8/Add.5 (E/1980/WG.1/ SR.15) | E/1980/6/Add.8 (E/1981/WG.1/ SR.9) | E/1982/3/Add.2 (E/1982/WG.1/ SR.19-20) | E/1984/7/Add.5 (E/1984/WG.1/ SR.14 and 16) | E/1986/4/Add.13 (E/C.12/1988/ SR.10-11) | E/1990/7/Add.2 (E/C.12/1991/ SR.11-13 and 18) |
| 124. Switzerland | 18 September 1992 | E/1990/5/Add.33 (E/C.12/1998/SR.37-39) | | | Overdue | | |
| 125. Syrian Arab Republic | 3 January 1976 | E/1978/8/Add.25 and 31 (E/1983/WG.1/ SR.2) | E/1980/6/Add.9 (E/1981/WG.1/ SR.4) | | E/1990/6/Add.1 (E/C.12/1991/SR.7, 9 and 11) | | |
| 126. Tajikistan | 4 April 1999 | Due on 30 June 2001 | | | | | |
| 127. Thailand | 5 December 1999 | Due on 30 June 2002 | | | | | |
| 128. The former Yugoslav Republic of Macedonia | 17 September 1991 | Overdue | | | | | |
| 129. Togo | 24 August 1984 | Overdue | | | | | |
| 130. Trinidad and Tobago | 8 March 1979 | E/1984/6/Add.21 | E/1986/3/Add.11 (E/C.12/1989/SR.17-19) | E/1988/5/Add.1 | E/1990/6/Add.30 (Received 28 September 2000 - Pending consideration) | | |
| 131. Tunisia | 3 January 1976 | E/1978/8/Add.3 (E/1980/WG.1/ SR.5-6) | E/1986/3/Add.9 (E/C.12/1989/ SR.9) | | E/1990/6/Add.14 (E/C.12/1999/SR.17-19) | | |
| 132. Turkmenistan | 1 August 1997 | Overdue | | | | | |
| 133. Uganda | 21 April 1987 | Overdue | | | | | |
| 134. Ukraine | 3 January 1976 | E/1978/8/Add.22 (E/1980/WG.1/ SR.18) | E/1980/6/Add.24 (E/1982/WG.1/ SR.5-6) | E/1982/3/Add.4 (E/1982/WG.1/ SR.11-12) | E/1984/7/Add.9 (E/1984/WG.1/ SR.13-15) | E/1986/4/Add.5 (E/C.12/1987/ SR.9-11) | E/1990/7/Add.11 (Withdrawn) |

ANNEX I (*continued*)

| State party | Date of entry into force | Initial reports | | | Second periodic reports | | |
|---|---|---|---|---|---|---|---|
| | | Articles 6-9 | Articles 10-12 | Articles 13-15 | Articles 6-9 | Articles 10-12 | Articles 13-15 |
| | | (Summary records of consideration of reports) | | | | | |
| 135. United Kingdom of Great Britain and Northern Ireland | 20 August 1976 | E/1978/8/Add.9 and 30 (E/1980/WG.1/ SR.19 and E/1982/WG.1/ SR.1) | E/1980/6/Add.16 and Corr.1, Add.25 and Corr.1 and Add.26 (E/1981/WG.1/ SR.16-17) | E/1982/3/Add.16 (E/1982/WG.1/ SR.19-21) | E/1984/7/Add.20 (E/1985/WG.1 SR.14 and 17) | E/1986/4/Add.23 (E/C.12/1989/ SR.16-17) E/1986/4/Add.27 E/1986/4/Add.28 (E/C.12/1994/ SR.33-37) | E/1990/7/Add.16 (E/C.12/1994/ SR.33-37) |
| 136. United Republic of Tanzania | 11 September 1976 | Overdue | E/1980/6/Add.2 (E/1981/WG.1/ SR.5) | Overdue | | | |
| 137. Uruguay | 3 January 1976 | E/1990/5/Add.7 (E/C.12/1994/SR.3-4, 6 and 13) | | | E/1990/6/Add.10 (E/C.12/1997/SR.42-44) | | |
| 138. Uzbekistan | 28 December 1995 | Overdue | | | | | |
| 139. Venezuela | 10 August 1978 | E/1984/6/Add.1 (E/1984/WG.1/ SR.7-8 and 10) | E/1980/6/Add.38 (E/1986/WG.1/ SR.2 and 5) | E/1982/3/Add.33 (E/1986/WG.1/ SR.12, 17-18) | E/1990/6/Add.10 (Received 8 July 1998 - Pending consideration) | | |
| 140. Viet Nam | 24 December 1982 | E/1990/5/Add.10 (E/C.12/1993/SR.9-11 and 19) | | | Overdue | | |
| 141. Yemen | 9 May 1987 | Overdue | | | | | |
| 142. Yugoslavia | 3 January 1976 | E/1978/8/Add.35 (E/1982/WG.1/ SR.4-5) | E/1980/6/Add.30 (E/1983/WG.1/ SR.3) | E/1982/3/Add.39 (E/C.12/1988/ SR.14-15) | E/1984/7/Add.10 (E/1984/WG.1/ SR.16 and 18) | E/1990/6/Add.22 (Withdrawn) | |
| 143. Zambia | 10 July 1984 | Overdue | E/1986/3/Add.2 (E/1986/WG.1/ SR.4-5 and 7) | Overdue | | | |
| 144. Zimbabwe | 13 August 1991 | E/1990/5/Add.28 (E/C.12/1997/SR.8-10 and 14) | | | Overdue | | |

## B. Third and fourth periodic reports

| State party | Date of entry into force | Third periodic reports | Fourth periodic reports |
|---|---|---|---|
| 1. Afghanistan | 24 April 1983 | | |
| 2. Albania | 4 January 1992 | | |
| 3. Algeria | 12 December 1989 | | |
| 4. Angola | 10 April 1992 | | |
| 5. Argentina | 8 November 1986 | | |
| 6. Armenia | 13 December 1993 | | |
| 7. Australia | 10 March 1976 | E/1994/104/Add.22 (E/C.12/2000/SR.45-47; E/C.12/1/Add.50) | Due 30 June 2005 |
| 8. Austria | 10 December 1978 | Overdue (Was due 30 June 1997) | |
| 9. Azerbaijan | 13 November 1992 | | |
| 10. Bangladesh | 5 January 1999 | | |
| 11. Barbados | 3 January 1976 | | |
| 12. Belarus | 3 January 1976 | E/1994/104/Add.6 (E/C.12/1996/SR.34-36) | Overdue (Was due 30 June 1999) |
| 13. Belgium | 21 July 1983 | Due on 30 June 2005 | |
| 14. Benin | 12 June 1992 | | |
| 15. Bolivia | 12 November 1982 | | |
| 16. Bosnia and Herzegovina | 6 March 1993 | | |
| 17. Brazil | 24 April 1992 | | |
| 18. Bulgaria | 3 January 1976 | E/1994/104/Add.16 (E/C.12/1999/SR.30-32) | Due 30 June 2001 |
| 19. Burkina Faso | 4 April 1999 | | |
| 20. Burundi | 9 August 1990 | | |
| 21. Cambodia | 26 August 1992 | | |
| 22. Cameroon | 27 September 1984 | | |
| 23. Canada | 19 August 1976 | E/1994/104/Add.17 (E/C.12/1998/SR.46-48) | Overdue (Was due 30 June 2000) |
| 24. Cape Verde | 6 November 1993 | | |
| 25. Central African Republic | 8 August 1981 | | |

ANNEX I (*continued*)

| State party | Date of entry into force | Third periodic reports | Fourth periodic reports |
|---|---|---|---|
| 26. Chad | 9 September 1995 | | |
| 27. Chile | 3 January 1976 | Overdue (Was due 30 June 1994) | |
| 28. Colombia | 3 January 1976 | E/1994/104/Add.2 (E/C.12/1995/SR.32-35) | E/C.12/4/Add.6. (Received 9 May 2000 - Pending consideration) |
| 29. Congo | 5 January 1984 | | |
| 30. Costa Rica | 3 January 1976 | | |
| 31. Côte d'Ivoire | 26 June 1992 | | |
| 32. Croatia | 8 October 1991 | | |
| 33. Cyprus | 3 January 1976 | E/1994/104/Add.12 (E/C.12/1998/SR.34-36) | Overdue (Was due 30 June 1999) |
| 34. Czech Republic | 1 January 1993 | | |
| 35. Democratic People's Republic of Korea | 14 December 1981 | | |
| 36. Democratic Republic of the Congo | 1 February 1977 | | |
| 37. Denmark* | 3 January 1976 | E/1994/104/Add.15 (E/C.12/1999/SR.11-13) | Overdue (Was due 30 June 1999) |
| 38. Dominica | 17 September 1993 | | |
| 39. Dominican Republic | 4 April 1978 | Overdue (Was due 30 June 1999) | |
| 40. Ecuador | 3 January 1976 | | |
| 41. Egypt | 14 April 1982 | | |
| 42. El Salvador | 29 February 1980 | | |
| 43. Equatorial Guinea | 25 December 1987 | | |
| 44. Eritrea | 20 April 1999 | | |
| 45. Estonia | 21 January 1992 | | |
| 46. Ethiopia | 11 September 1993 | | |
| 47. Finland | 3 January 1976 | E/1994/104/Add.7 (E/C.12/1996/SR.37-40) | E/C.12/4/Add.1 (E/C.12/2000/SR.61-63) |
| 48. France | 4 February 1981 | | |
| 49. Gabon | 21 April 1983 | | |
| 50. Gambia | 29 March 1979 | | |
| 51. Georgia | 3 August 1994 | | |
| 52. Germany | 3 January 1976 | E/1994/104/Add.14 (E/C.12/1998/SR.40-42) | E/C.12/4/Add.3 (Received 17 January 2000 - Pending consideration) |
| 53. Ghana | 7 December 2000 | | |
| 54. Greece | 16 August 1985 | | |
| 55. Grenada | 6 December 1991 | | |
| 56. Guatemala | 19 August 1988 | | |

ANNEX I (*continued*)

| State party | Date of entry into force | Third periodic reports | Fourth periodic reports |
|---|---|---|---|
| 57. Guinea | 24 April 1978 | | |
| 58. Guinea-Bissau | 2 October 1992 | | |
| 59. Guyana | 15 May 1977 | | |
| 60. Honduras | 17 May 1981 | | |
| 61. Hungary | 3 January 1976 | Overdue (Was due 30 June 1994) | |
| 62. Iceland | 22 November 1979 | | |
| 63. India | 10 July 1979 | | |
| 64. Iran (Islamic Republic of) | 3 January 1976 | | |
| 65. Iraq | 3 January 1976 | E/1994/104/Add.9 (E/C.12/1997/SR.33-35) | Overdue (Was due 30 June 2000) |
| 66. Ireland | 8 March 1990 | | |
| 67. Israel | 3 January 1992 | | |
| 68. Italy | 15 December 1978 | E/1994/104/Add.19 (E/C.12/2000/SR.6-8) | |
| 69. Jamaica | 3 January 1976 | | |
| 70. Japan | 21 September 1979 | | |
| 71. Jordan | 3 January 1976 | Due 30 June 2003 | |
| 72. Kenya | 3 January 1976 | | |
| 73. Kuwait | 31 August 1996 | | |
| 74. Kyrgyzstan | 7 January 1995 | | |
| 75. Latvia | 14 July 1992 | | |
| 76. Lebanon | 3 January 1976 | | |
| 77. Lesotho | 9 December 1992 | | |
| 78. Libyan Arab Jamahiriya | 3 January 1976 | | |
| 79. Liechtenstein | 10 March 1999 | | |
| 80. Lithuania | 20 February 1992 | | |
| 81. Luxembourg | 18 November 1983 | Overdue (Was due 30 June 1998) | |
| 82. Madagascar | 3 January 1976 | | |
| 83. Malawi | 22 March 1994 | | |
| 84. Mali | 3 January 1976 | | |
| 85. Malta | 13 December 1990 | | |
| 86. Mauritius | 3 January 1976 | | |
| 87. Mexico | 23 June 1981 | E/1994/104/Add.18 (E/C.12/1999/SR.44-46) | |
| 88. Monaco | 28 November 1997 | | |
| 89. Mongolia | 3 January 1976 | E/1994/104/Add.21 (E/C.12/2000/SR.34-37) | Due on 30 June 2003 |
| 90. Morocco | 3 August 1979 | Due on 30 June 2004 | |
| 91. Namibia | 28 February 1995 | | |

ANNEX I (*continued*)

| State party | Date of entry into force | Third periodic reports | Fourth periodic reports |
|---|---|---|---|
| 92. Nepal | 14 August 1991 | | |
| 93. Netherlands | 11 March 1979 | Overdue (Was due 30 June 1997) | |
| 94. New Zealand | 28 March 1979 | | |
| 95. Nicaragua | 12 June 1980 | | |
| 96. Niger | 7 June 1986 | | |
| 97. Nigeria | 29 October 1993 | | |
| 98. Norway | 3 January 1976 | E/1994/104/Add.3 (E/C.12/1995/SR.34-37) | Overdue (Was due 30 June 1999) |
| 99. Panama | 8 June 1977 | | |
| 100. Paraguay | 10 September 1992 | | |
| 101. Peru | 28 July 1978 | | |
| 102. Philippines | 3 January 1976 | | |
| 103. Poland | 18 June 1977 | E/1994/104/Add.13 (E/C.12/1998/SR.10-12) | Overdue (Was due 30 June 1999) |
| 104. Portugal | 31 October 1978 | E/1994/104/Add.20 (E/C.12/2000/SR.58-60) | Due on 30 June 2005 |
| 105. Republic of Korea | 10 July 1990 | | |
| 106. Republic of Moldova | 26 March 1993 | | |
| 107. Romania | 3 January 1976 | Overdue (Was due 30 June 1994) | |
| 108. Russian Federation | 3 January 1976 | E/1994/104/Add.8 (E/C.12/1997/SR.11-14) | Overdue (Was due 30 June 1999) |
| 109. Rwanda | 3 January 1976 | | |
| 110. Saint Vincent and the Grenadines | 9 February 1982 | | |
| 111. San Marino | 18 January 1986 | | |
| 112. Senegal | 13 May 1978 | | |
| 113. Seychelles | 5 August 1982 | | |
| 114. Sierra Leone | 23 November 1996 | | |
| 115. Slovakia | 28 May 1993 | | |
| 116. Slovenia | 6 July 1992 | | |
| 117. Solomon Islands | 17 March 1982 | | |
| 118. Somalia | 24 April 1990 | | |
| 119. Spain | 27 July 1977 | E/1994/104/Add.5 (E/C.12/1996/SR.3-7) | Overdue (Was due 30 June 1999) |
| 120. Sri Lanka | 11 September 1980 | | |
| 121. Sudan | 18 June 1986 | | |
| 122. Suriname | 28 March 1977 | | |
| 123. Sweden | 3 January 1976 | E/1994/104/Add.1 (E/C.12/1995/SR.13, 15-16) | E/C.12/4/Add.4 (Received 10 April 2000 - Pending consideration) |
| 124. Switzerland | 18 September 1992 | | |

| State party | Date of entry into force | Third periodic reports | Fourth periodic reports |
|---|---|---|---|
| 125. Syrian Arab Republic | 3 January 1976 | E/1994/104/Add.23 (Received 22 March 1999 - Pending consideration) | |
| 126. Tajikistan | 4 April 1999 | | |
| 127. Thailand | 5 December 1999 | | |
| 128. The former Yugoslav Republic of Macedonia | 17 September 1991 | | |
| 129. Togo | 24 August 1984 | | |
| 130. Trinidad and Tobago | 8 March 1979 | | |
| 131. Tunisia | 3 January 1976 | | |
| 132. Turkmenistan | 1 August 1997 | | |
| 133. Uganda | 21 April 1987 | | |
| 134. Ukraine | 3 January 1976 | E/1994/104/Add.4 (E/C.12/1995/SR.42, 44-45) | E/C.12/4/Add.2 (Received 13 August 1999 - Pending consideration) |
| 135. United Kingdom of Great Britain and Northern Ireland | 20 August 1976 | E/1994/104/Add.10 (Hong Kong) (E/C.12/1996/SR.39, 41, 42 and 44) E/1994/104/Add.11 (E/C.12/1997/SR.36-38) E/1994/104/Add.24 (dependent territories) (Received 13 April 2000 - Pending consideration) | E/C.12/4/Add.5 (overseas territories) (Received 13 April 2000 - Pending consideration) |
| 136. United Republic of Tanzania | 11 September 1976 | | |
| 137. Uruguay | 3 January 1976 | | |
| 138. Uzbekistan | 28 December 1995 | | |
| 139. Venezuela | 10 August 1978 | | |
| 140. Viet Nam | 24 December 1982 | | |
| 141. Yemen | 9 May 1987 | | |
| 142. Yugoslavia | 3 January 1976 | Due on 30 June 2002 | |
| 143. Zambia | 10 July 1984 | | |
| 144. Zimbabwe | 13 August 1991 | | |

* The fourth periodic report of Denmark was due on 30 June 1999. At the request of the Government of Denmark, the Committee, at its twenty-first session (1999), decided to extend the deadline to 30 June 2001for the submission of the fourth periodic report.

## ANNEX II

## Members of the Committee on Economic, Social and Cultural Rights

| *Name of member* | *Country of nationality* | *Term expires on 31 December* |
|---|---|---|
| Mr. Mahmoud Samir AHMED | Egypt | 2002 |
| Mr. Ivan ANTANOVICH | Belarus | 2000 |
| Mr. Clément ATANGANA | Cameroon | 2002 |
| Ms. Virginia BONOAN-DANDAN | Philippines | 2002 |
| Mr. Dumitru CEAUSU | Romania | 2000 |
| Mr. Óscar CEVILLE | Panama | 2000 |
| Mr. Abdessatar GRISSA | Tunisia | 2000 |
| Mr. Paul HUNT | New Zealand | 2002 |
| Ms. María de los Ángeles JIMÉNEZ BUTRAGUEÑO | Spain | 2000 |
| Mr. Valeri KOUZNETSOV | Russian Federation | 2002 |
| Mr. Jaime MARCHÁN ROMERO | Ecuador | 2002 |
| Mr. Ariranga Govindasamy PILLAY | Mauritius | 2000 |
| Mr. Kenneth Osborne RATTRAY | Jamaica | 2000 |
| Mr. Eibe RIEDEL | Germany | 2002 |
| Mr. Waleed M. SADI | Jordan | 2000 |
| Mr. Philippe TEXIER | France | 2000 |
| Mr. Nutan THAPALIA | Nepal | 2002 |
| Mr. Javier WIMER ZAMBRANO | Mexico | 2002 |

# ANNEX III

## A. Agenda of the twenty-second session of the Committee on Economic, Social and Cultural Rights (25 April-12 May 2000)

1. Adoption of the agenda.

2. Organization of work.

3. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights.

4. Follow-up to the Committee's consideration of reports under articles 16 and 17 of the Covenant.

5. Relations with United Nations organs and other treaty bodies.

6. Consideration of reports:

   (*a*) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

   (*b*) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

7. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

8. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

9. Miscellaneous matters.

## B. Agenda of the twenty-third session of the Committee on Economic, Social and Cultural Rights (14 August-1 September 2000)

1. Adoption of the agenda.

2. Organization of work.

3. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights.

4. Follow-up to the Committee's consideration of reports under articles 16 and 17 of the Covenant.

5. Relations with United Nations organs and other treaty bodies.

6. Consideration of reports:

   (*a*) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

   (*b*) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

7. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

8. Miscellaneous matters.

## C. Agenda of the twenty-fourth session of the Committee on Economic, Social and Cultural Rights (13 November-1 December 2000)

1. Adoption of the agenda.

2. Organization of work.

3. Substantive issues arising in the implementation of the International Covenant on Economic, Social and Cultural Rights.

4. Follow-up to the Committee's consideration of reports under articles 16 and 17 of the Covenant.

5. Relations with United Nations organs and other treaty bodies.

6. Consideration of reports:

   (*a*) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

   (*b*) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

7. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

8. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

9. Adoption of the report.

10. Miscellaneous matters.

## ANNEX IV

## General Comment No. 14 (2000)*

*The right to the highest attainable standard of health (art. 12 of the Covenant)*

1. Health is a fundamental human right indispensable for the exercise of other human rights. Every human being is entitled to the enjoyment of the highest attainable standard of health conducive to living a life in dignity. The realization of the right to health may be pursued through numerous, complementary approaches, such as the formulation of health policies, or the implementation of health programmes developed by the World Health Organization (WHO), or the adoption of specific legal instruments. Moreover, the right to health includes certain components which are legally enforceable.[a]

2. The human right to health is recognized in numerous international instruments. Article 25, paragraph 1, of the Universal Declaration of Human Rights affirms: "Everyone has the right to a standard of living adequate for the health of himself and of his family, including food, clothing, housing and medical care and necessary social services." In international human rights law, the International Covenant on Economic, Social and Cultural Rights provides the most comprehensive article on the right to health. In accordance with article 12, paragraph 1, of the Covenant, States parties recognize "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health", while article 12, paragraph 2, enumerates, by way of illustration, a number of "steps to be taken by the States parties ... to achieve the full realization of this right". Additionally, the right to health is recognized, *inter alia*, in article 5, paragraph (*e*) (iv), of the International Convention on the Elimination of All Forms of Racial Discrimination (1965), in article 11, paragraph 1 (*f*), and article 12 of the Convention on the Elimination of All Forms of Discrimination against Women (1979) and in article 24 of the Convention on the Rights of the Child (1989). Several regional human rights instruments also recognize the right to health, such as the European Social Charter (revised) (1996) (art. 11), the African Charter on Human and Peoples' Rights (1981) (art. 16) and the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador) (1988) (art. 10). Similarly, the right to health has been proclaimed by the Commission on Human Rights in its resolution 1989/11, as well as in the Vienna Declaration and Programme of Action[b] and other international instruments.[c]

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* Adopted at the twenty-second session (25th meeting) on 11 May 2000.

[a] For example, the principle of non-discrimination in relation to health facilities, goods and services is legally enforceable in numerous national jurisdictions.

[b] Adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993 (A/CONF.157/24 (Part One, chap. III)).

[c] The Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care (General Assembly resolution 46/119, annex) and the Committee's General Comment No. 5 (1994) on persons with disabilities, apply to persons with mental illness; the Programme of Action of the International Conference on Population and

3. The right to health is closely related to and dependent upon the realization of other human rights, as contained in the International Bill of Rights, including the rights to food, housing, work, education, human dignity, life, non-discrimination, equality, the prohibition against torture, privacy, access to information, and the freedoms of association, assembly and movement. These and other rights and freedoms address integral components of the right to health.

4. In drafting article 12 of the Covenant, the Third Committee of the General Assembly did not adopt the definition of health contained in the preamble to the Constitution of WHO, which conceptualizes health as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity". However, the reference in article 12, paragraph 1, of the Covenant to "the highest attainable standard of physical and mental health" is not confined to the right to health care. On the contrary, the drafting history and the express wording of article 12, paragraph 2, acknowledge that the right to health embraces a wide range of socio-economic factors that promote conditions in which people can lead a healthy life, and extends to the underlying determinants of health, such as food and nutrition, housing, access to safe and potable water and adequate sanitation, safe and healthy working conditions, and a healthy environment.

5. The Committee is aware that, for millions of people throughout the world, the full enjoyment of the right to health still remains a distant goal. Moreover, in many cases, especially for those living in poverty, this goal is becoming increasingly remote. The Committee recognizes the formidable structural and other obstacles resulting from international and other factors beyond the control of States that impede the full realization of article 12 of the Covenant in many States parties.

6. With a view to assisting States parties' implementation of the Covenant and the fulfilment of their reporting obligations, this General Comment focuses on the normative content of article 12 (Part I), States parties' obligations (Part II), violations (Part III) and implementation at the national level (Part IV), while the obligations of actors other than States parties are addressed elsewhere (Part V). The General Comment is based on the Committee's experience in examining States parties' reports over many years.

## I. NORMATIVE CONTENT OF ARTICLE 12 OF THE COVENANT

7. Article 12, paragraph 1, of the Covenant provides a definition of the right to health, while article 12, paragraph 2, enumerates illustrative, non-exhaustive examples of States parties' obligations.

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Development (*Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex), as well as the Beijing Declaration and Programme for Action adopted by the Fourth World Conference on Women (*Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I), contain definitions of reproductive health and women's health, respectively.

8. The right to health is not to be understood as a right to be healthy. The right to health contains both freedoms and entitlements. The freedoms include the right to control one's health and body, including sexual and reproductive freedom, and the right to be free from interference, such as the right to be free from torture, non-consensual medical treatment and experimentation. By contrast, the entitlements include the right to a system of health protection which provides equality of opportunity for people to enjoy the highest attainable level of health.

9. The notion of the highest attainable standard of health in article 12, paragraph 1, takes into account both the individual's biological and socio-economic preconditions and a State's available resources. There are a number of aspects which cannot be addressed solely within the relationship between States and individuals; in particular, good health cannot be ensured by a State, nor can States provide protection against every possible cause of human ill health. Thus, genetic factors, individual susceptibility to ill health and the adoption of unhealthy or risky lifestyles may play an important role with respect to an individual's health. Consequently, the right to health must be understood as a right to the enjoyment of a variety of facilities, goods, services and conditions necessary for the realization of the highest attainable standard of health.

10. Since the adoption in 1966 of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, the world health situation has changed dramatically and the notion of health has undergone substantial changes and has also widened in scope. More determinants of health are being taken into consideration, such as resource distribution and gender differences. A wider definition of health also takes into account such socially-related concerns as violence and armed conflict.[d] Moreover, formerly unknown diseases, such as human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) and others that have become more widespread, such as cancer, as well as the rapid growth of the world population, have created new obstacles for the realization of the right to health which need to be taken into account when interpreting article 12.

11. The Committee interprets the right to health, as defined in article 12, paragraph 1, of the Covenant, as an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information, including on sexual and reproductive health. A further important aspect is the participation of the population in all health-related decision-making at the community, national and international levels.

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[d] Common article 3 of the Geneva Conventions of 12 August 1949 for the protection of war victims (1949); article 75, paragraph 2 (*a*), of Additional Protocol I (1977) to these Conventions relating to the Protection of Victims of International Armed Conflicts; and article 4 (*a*) of the Additional Protocol II (1977) relating to the Protection of Victims of Non-International Armed Conflicts.

12. The right to health in all its forms and at all levels contains the following interrelated and essential elements, the precise application of which will depend on the conditions prevailing in a particular State party:

(*a*) *Availability*. Functioning public health and health-care facilities, goods and services, as well as programmes, have to be available in sufficient quantity within the State party. The precise nature of the facilities, goods and services will vary depending on numerous factors, including the State party's developmental level. They will include, however, the underlying determinants of health, such as safe drinking water and adequate sanitation facilities, hospitals, clinics and other health-related buildings, trained medical and professional personnel receiving domestically competitive salaries, and essential drugs, as defined by the WHO Action Programme on Essential Drugs;[e]

(*b*) *Accessibility*. Health facilities, goods and services[f] have to be accessible to everyone without discrimination, within the jurisdiction of the State party. Accessibility has four overlapping dimensions:

(i) Non-discrimination: health facilities, goods and services must be accessible to all, especially the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds (see paras.18 and 19 below);

(ii) Physical accessibility: health facilities, goods and services must be within safe physical reach for all sections of the population, especially vulnerable or marginalized groups, such as ethnic minorities and indigenous populations, women, children, adolescents, older persons, persons with disabilities and persons with HIV/AIDS. Accessibility also implies that medical services and underlying determinants of health, such as safe and potable water and adequate sanitation facilities, are within safe physical reach, including in rural areas. Accessibility further includes adequate access to buildings for persons with disabilities;

(iii) Economic accessibility (affordability): health facilities, goods and services must be affordable for all. Payment for health-care services, as well as services related to the underlying determinants of health, has to be based on the principle of equity, ensuring that these services, whether

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[e] See WHO Model List of Essential Drugs (revised December 1999, *WHO Drug Information*, vol. 13, No. 4, 1999).

[f] Unless expressly provided otherwise, any reference in this General Comment to health facilities, goods and services includes the underlying determinants of health outlined in paras. 11 and 12 (*a*) of this general comment.

privately or publicly provided, are affordable for all, including socially disadvantaged groups. Equity demands that poorer households should not be disproportionately burdened with health expenses as compared to richer households;

(iv) Information accessibility: accessibility includes the right to seek, receive and impart information and ideas[g] concerning health issues. However, accessibility of information should not impair the right to have personal health data treated with confidentiality;

(*c*) *Acceptability.* All health facilities, goods and services must be respectful of medical ethics and culturally appropriate, i.e. respectful of the culture of individuals, minorities, peoples and communities, sensitive to gender and life-cycle requirements, as well as being designed to respect confidentiality and improve the health status of those concerned;

(*d*) *Quality.* As well as being culturally acceptable, health facilities, goods and services must also be scientifically and medically appropriate and of good quality. This requires, *inter alia*, skilled medical personnel, scientifically approved and unexpired drugs and hospital equipment, safe and potable water, and adequate sanitation;

13. The non-exhaustive catalogue of examples in article 12, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights provides guidance in defining the action to be taken by States. It gives specific generic examples of measures arising from the broad definition of the right to health contained in article 12, paragraph 1, thereby illustrating the content of that right, as exemplified in the following paragraphs.[h]

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[g] See article 19, paragraph 2, of the International Covenant on Civil and Political Rights. This General Comment gives particular emphasis to access to information because of the special importance of this issue in relation to health.

[h] In the literature and practice concerning the right to health, three levels of health care are frequently referred to: primary health care typically deals with common and relatively minor illnesses and is provided by health professionals and/or generally trained doctors working within the community at relatively low cost; secondary health care is provided in centres, usually hospitals, and typically deals with relatively common minor or serious illnesses that cannot be managed at community level, using specialty-trained health professionals and doctors, special equipment and sometimes in-patient care at comparatively higher cost; tertiary health care is provided in relatively few centres, typically deals with small numbers of minor or serious illnesses requiring specialty-trained health professionals and doctors and special equipment, and is often relatively expensive. Since forms of primary, secondary and tertiary health care frequently overlap and often interact, the use of this typology does not always provide sufficient distinguishing criteria to be helpful for assessing which levels of health care States parties must provide, and is therefore of limited assistance in relation to the normative understanding of article 12 of the Covenant.

*Article 12, paragraph 2 (a) of the Covenant: The right to maternal, child and reproductive health*

14. "The provision for the reduction of the stillbirth rate and of infant mortality and for the healthy development of the child"[i] may be understood as requiring measures to improve child and maternal health, sexual and reproductive health services, including access to family planning, pre- and post-natal care,[j] emergency obstetric services and access to information, as well as to resources necessary to act on that information.[k]

*Article 12, paragraph 2 (b) of the Covenant: The right to healthy natural and workplace environments*

15. "The improvement of all aspects of environmental and industrial hygiene" comprises, *inter alia*, preventive measures in respect of occupational accidents and diseases; the requirement to ensure an adequate supply of safe and potable water and basic sanitation; the prevention and reduction of the population's exposure to harmful substances such as radiation and harmful chemicals or other detrimental environmental conditions that directly or indirectly impact upon human health.[l] Furthermore, industrial hygiene refers to the minimization, so far as is

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[i] According to WHO, the stillbirth rate is no longer commonly used, infant and under-five mortality rates being measured instead.

[j] Prenatal denotes existing or occurring before birth; perinatal refers to the period shortly before and after birth (in medical statistics the period begins with the completion of 28 weeks of gestation and is variously defined as ending one to four weeks after birth); neonatal, by contrast, covers the period pertaining to the first four weeks after birth; while *post-natal* denotes occurrence after birth. In this General Comment, the more generic terms pre- and post-natal are exclusively employed.

[k] Reproductive health means that women and men have the freedom to decide if and when to reproduce and the right to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice as well as the right of access to appropriate health-care services that will, for example, enable women to go safely through pregnancy and childbirth.

[l] The Committee recalls, in this regard, Principle 1 of the Stockholm Declaration (*Report of the United Nations Conference on the Human Environment, Stockholm, 5-16 June 1972* (United Nations publication, Sales No. E.73.II.A.14), Part 1, chap. I) which states: "Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being", as well as of recent developments in international law, including General Assembly resolution 45/94 on the need to ensure a healthy environment for the well-being of individuals; Principle 1 of the Rio Declaration on Environment and Development (*Report on the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (A/CONF.151/26/Rev.1 (Vol. I, Vol.I/Corr.1, Vol. II, Vol. III and Vol.III/Corr.1) (United Nations publication, Sales No. E.93.I.8 and

reasonably practicable, of the causes of health hazards inherent in the working environment.[m] Article 12, paragraph 2 (*b*), of the Covenant also embraces adequate housing and safe and hygienic working conditions, an adequate supply of food and proper nutrition, and discourages the abuse of alcohol, and the use of tobacco, drugs and other harmful substances.

*Article 12, paragraph 2 (c) of the Covenant: The right to prevention, treatment and control of diseases*

16. "The prevention, treatment and control of epidemic, endemic, occupational and other diseases" requires the establishment of prevention and education programmes for behaviour-related health concerns such as sexually transmitted diseases, in particular HIV/AIDS, and those adversely affecting sexual and reproductive health, and the promotion of social determinants of good health, such as environmental safety, education, economic development and gender equity. The right to treatment includes the creation of a system of urgent medical care in cases of accidents, epidemics and similar health hazards, and the provision of disaster relief and humanitarian assistance in emergency situations. The control of diseases refers to States' individual and joint efforts to, *inter alia*, make available relevant technologies, using and improving epidemiological surveillance and data collection on a disaggregated basis, the implementation or enhancement of immunization programmes and other strategies of infectious disease control.

*Article 12, paragraph 2 (d) of the Covenant: The right to health facilities, goods and services (see para. 12 (b) above)*[g]

17. "The creation of conditions which would assure to all medical service and medical attention in the event of sickness", both physical and mental, includes the provision of equal and timely access to basic preventive, curative, rehabilitative health services and health education; regular screening programmes; appropriate treatment of prevalent diseases, illnesses, injuries and disabilities, preferably at community level; the provision of essential drugs; and appropriate mental health treatment and care. A further important aspect is the improvement and furtherance of participation of the population in the provision of preventive and curative health services, such as the organization of the health sector, the insurance system and, in particular, participation in political decisions relating to the right to health taken at both the community and national levels.

## ARTICLE 12 OF THE COVENANT: SPECIAL TOPICS OF BROAD APPLICATION

*Non-discrimination and equal treatment*

18. By virtue of paragraph 2 of its article 2 and of its article 3, the Covenant proscribes any discrimination in access to health care and underlying determinants of health, as well as to means

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corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution 1, annex I); and regional human rights instruments such as article 10 of the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador).

[m] ILO Convention No. 155 (1981) concerning occupational safety and health and the working environment, article 4, paragraph 2.

and entitlements for their procurement, on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status (including HIV/AIDS), sexual orientation and civil, political, social or other status, which has the intention or effect of nullifying or impairing the equal enjoyment or exercise of the right to health. The Committee stresses that many measures, such as most strategies and programmes designed to eliminate health-related discrimination, can be pursued with minimum resource implications through the adoption, modification or abrogation of legislation or the dissemination of information. The Committee recalls General Comment No. 3 (1990) on the nature of States' parties obligations (art. 2, para. 1, of the Covenant), paragraph 12, which states that even in times of severe resource constraints, the vulnerable members of society must be protected by the adoption of relatively low-cost targeted programmes.

19. With respect to the right to health, equality of access to health care and health services has to be emphasized. States have a special obligation to provide those who do not have sufficient means with the necessary health insurance and health-care facilities, and to prevent any discrimination on internationally prohibited grounds in the provision of health care and health services, especially with respect to the core obligations of the right to health (see paras. 43 and 44 below). Inappropriate health resource allocation can lead to discrimination that may not be overt. For example, investments should not disproportionately favour expensive curative health services which are often accessible only to a small, privileged fraction of the population, rather than primary and preventive health care benefiting a far larger part of the population.

*Gender perspective*

20. The Committee recommends that States integrate a gender perspective in their health-related policies, planning, programmes and research in order to promote better health for both women and men. A gender-based approach recognizes that biological and sociocultural factors play a significant role in influencing the health of men and women. The disaggregation of health and socio-economic data according to sex is essential for identifying and remedying inequalities in health.

*Women and the right to health*

21. To eliminate discrimination against women, there is a need to develop and implement a comprehensive national strategy for promoting women's right to health throughout their life span. Such a strategy should include interventions aimed at the prevention and treatment of diseases affecting women, as well as policies to provide access to a full range of high quality and affordable health care, including sexual and reproductive services. A major goal should be reducing women's health risks, particularly lowering rates of maternal mortality and protecting women from domestic violence. The realization of women's right to health requires the removal of all barriers interfering with access to health services, education and information, including in the area of sexual and reproductive health. It is also important to undertake preventive, promotive and remedial action to shield women from the impact of harmful traditional cultural practices and norms that deny them their full reproductive rights.

*Children and adolescents*

22. Article 12, paragraph 2 (*a*), of the Covenant outlines the need to take measures to reduce infant mortality and promote the healthy development of infants and children. Subsequent international human rights instruments recognize that children and adolescents have the right to the enjoyment of the highest standard of health and access to facilities for the treatment of illness, as does the Convention on the Rights of the Child (art. 24, para. 1), which directs States to ensure access to essential health services for the child and his or her family, including pre- and post-natal care for mothers. The Convention links these goals with ensuring access to child-friendly information about preventive and health-promoting behaviour and support to families and communities in implementing these practices. Implementation of the principle of non-discrimination requires that girls, as well as boys, have equal access to adequate nutrition, safe environments, and physical as well as mental health services. There is a need to adopt effective and appropriate measures to abolish harmful traditional practices affecting the health of children, particularly girls, including early marriage, female genital mutilation, preferential feeding and care of male children.[n] Children with disabilities should be given the opportunity to enjoy a fulfilling and decent life and to participate within their community.

23. States parties should provide a safe and supportive environment for adolescents, that ensures the opportunity to participate in decisions affecting their health, to build life-skills, to acquire appropriate information, to receive counselling and to negotiate the health-behaviour choices they make. The realization of the right to health of adolescents is dependent on the development of youth-friendly health care, which respects confidentiality and privacy and includes appropriate sexual and reproductive health services.

24. In all policies and programmes aimed at guaranteeing the right to health of children and adolescents their best interests shall be a primary consideration.

*Older persons*

25. With regard to the realization of the right to health of older persons, the Committee, in accordance with paragraphs 34 and 35 of General Comment No. 6 (1995) on the economic, social and cultural rights of older persons, reaffirms the importance of an integrated approach, combining elements of preventive, curative and rehabilitative health treatment. Such measures should be based on periodic check-ups for both sexes; physical as well as psychological rehabilitative measures aimed at maintaining the functionality and autonomy of older persons; and attention and care for chronically and terminally ill persons, sparing them avoidable pain and enabling them to die with dignity.

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[n] See World Health Assembly resolution WHA47.10, of 10 May 1994, entitled "Maternal and child health and family planning: Traditional practices harmful to the health of women and children".

*Persons with disabilities*

26. The Committee reaffirms paragraph 34 of its General Comment No. 5 (1994) on persons with disabilities, in particular the issue of persons with disabilities and the right to physical and mental health. Moreover, the Committee stresses the need to ensure that not only the public health sector but also private providers of health services and facilities comply with the principle of non-discrimination in relation to persons with disabilities.

*Indigenous peoples*

27. In the light of emerging international law and practice and the recent measures taken by States in relation to indigenous peoples,[o] the Committee deems it useful to identify elements that would help to define indigenous peoples' right to health in order better to enable States with indigenous peoples to implement the provisions contained in article 12 of the Covenant. The Committee considers that indigenous peoples have the right to specific measures to improve their access to health services and care. These health services should be culturally appropriate, taking into account traditional preventive care, healing practices and medicines. States should provide resources for indigenous peoples to design, deliver and control such services so that they may enjoy the highest attainable standard of physical and mental health. The vital medicinal plants, animals and minerals necessary to the full enjoyment of health of indigenous peoples should also be protected. The Committee notes that, in indigenous communities, the health of the individual is often linked to the health of the society as a whole and has a collective dimension. In this respect, the Committee considers that development-related activities that lead to the displacement of indigenous peoples against their will from their traditional territories and environment, denying them their sources of nutrition and breaking their symbiotic relationship with their lands, has a deleterious effect on their health.

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[o] Recent emerging international norms relevant to indigenous peoples include ILO Convention No. 169 (1989) concerning indigenous and tribal peoples in independent countries; the Convention on the Rights of the Child (1989), article 29, paras. (*c*) and (*d*) and article 30; the Convention on Biological Diversity (1992), article 8 (*j*), recommending that States respect, preserve and maintain knowledge, innovation and practices of indigenous communities; Agenda 21 (*Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, (A/CONF.151/26/Rev.1 (Vol. I, Vol. I/Corr.1, Vol. II, Vol. III and Vol. III/Corr.1)) (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution 1, annex II), in particular chapter 26 and the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights held in 1993 (sect. I, para. 20) (A/CONF.157/24 (Part I), chap. III), stating that States should take concerted positive steps to ensure respect for all human rights of indigenous peoples, on the basis of non-discrimination. See also the United Nations Framework Convention on Climate Change (1992), preamble and article 3 and the United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, particularly in Africa (1994) (art. 10, para. 2 (*e*)). During recent years an increasing number of States have changed their constitutions and introduced legislation recognizing specific rights of indigenous peoples.

*Limitations*

28. Issues of public health are sometimes used by States as grounds for limiting the exercise of other fundamental rights. The Committee wishes to emphasize that the Covenant's limitation clause, article 4, is primarily intended to protect the rights of individuals rather than to permit the imposition of limitations by States. Consequently, a State party which, for example, restricts the movement of, or incarcerates, persons with transmissible diseases such as HIV/AIDS, refuses to allow doctors to treat persons believed to be opposed to a government, or fails to provide immunization against the community's major infectious diseases, on grounds such as national security or the preservation of public order, has the burden of justifying such serious measures in relation to each of the elements identified in article 4. Such restrictions must be in accordance with the law, including international human rights standards, compatible with the nature of the rights protected by the Covenant, in the interest of legitimate aims pursued, and strictly necessary for the promotion of the general welfare in a democratic society.

29. In line with article 5, paragraph 1, of the Covenant, such limitations must be proportional, i.e. the least restrictive alternative must be adopted where several types of limitations are available. Even where such limitations on grounds of protecting public health are basically permitted, they should be of limited duration and subject to review.

## II. STATES PARTIES' OBLIGATIONS

*General legal obligations*

30. While the Covenant provides for progressive realization and acknowledges the constraints due to the limits of available resources, it also imposes on States parties various obligations which are of immediate effect. States parties have immediate obligations in relation to the right to health, such as the guarantee that the right will be exercised without discrimination of any kind (art. 2, para. 2) and the obligation to take steps (art. 2, para. 1) towards the full realization of article 12. Such steps must be deliberate, concrete and targeted towards the full realization of the right to health.[p]

31. The progressive realization of the right to health over a period of time should not be interpreted as depriving States parties' obligations of all meaningful content. Rather, progressive realization means that States parties have a specific and continuing obligation to move as expeditiously and effectively as possible towards the full realization of article 12 of the Covenant.[q]

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[p] See the Committee's General Comment No. 13 (1999) on the right to education (art. 13 of the Covenant), para. 43.

[q] Ibid., para. 44. See also General Comment No. 3 (1990) on the nature of States parties' obligations (art. 2, para. 1, of the Covenant), para. 9.

32. As with all other rights in the Covenant, there is a strong presumption that retrogressive measures taken in relation to the right to health are not permissible. If any deliberately retrogressive measures are taken, the State party has the burden of proving that they have been introduced after the most careful consideration of all alternatives and that they are duly justified by reference to the totality of the rights provided for in the Covenant in the context of the full use of the State party's maximum available resources.[r]

33. The right to health, like all human rights, imposes three types or levels of obligations on States parties: the obligations to respect, protect and fulfil. In turn, the obligation to fulfil contains obligations to facilitate, provide and promote.[s] The obligation to respect requires States to refrain from interfering directly or indirectly with the enjoyment of the right to health. The obligation to protect requires States to take measures that prevent third parties from interfering with the Covenant's article 12 guarantees. Finally, the obligation to fulfil requires States to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures towards the full realization of the right to health.

*Specific legal obligations*

34. In particular, States are under the obligation to *respect* the right to health by, *inter alia*, refraining from denying or limiting equal access for all persons, including prisoners or detainees, minorities, asylum seekers and illegal immigrants, to preventive, curative and palliative health services; abstaining from enforcing discriminatory practices as a State policy; and abstaining from imposing discriminatory practices relating to women's health status and needs. Furthermore, obligations to respect include a State's obligation to refrain from prohibiting or impeding traditional preventive care, healing practices and medicines, from marketing unsafe drugs and from applying coercive medical treatments, unless on an exceptional basis for the treatment of mental illness or the prevention and control of communicable diseases. Such exceptional cases should be subject to specific and restrictive conditions, respecting best practices and applicable international standards, including the Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care.[c] In addition, States should refrain from limiting access to contraceptives and other means of maintaining sexual and reproductive health, from censoring, withholding or intentionally misrepresenting health-related information, including sexual education and information, as well as from preventing people's participation in health-related matters. States should also refrain from unlawfully polluting air, water and soil, e.g. through industrial waste from State-owned facilities, from using or testing nuclear, biological or chemical weapons if such testing results in the release of substances harmful to human health, and from limiting access to health services as a punitive measure, e.g. during armed conflicts in violation of international humanitarian law.

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[r] See the Committee's General Comments No. 3 (1990), para. 9 and No. 13 (1999), para. 45.

[s] According to the Committee's General Comments No. 12 (1999) on the right to adequate food (art. 11 of the Covenant) and No. 13 (1999), the obligation to fulfil incorporates an obligation to *facilitate* and an obligation to *provide*. In the present general comment, the obligation to fulfil also incorporates an obligation to promote because of the critical importance of health promotion in the work of WHO and elsewhere.

35. Obligations to protect include, *inter alia*, the duties of States to adopt legislation or to take other measures ensuring equal access to health care and health-related services provided by third parties; to ensure that privatization of the health sector does not constitute a threat to the availability, accessibility, acceptability and quality of health facilities, goods and services; to control the marketing of medical equipment and medicines by third parties; and to ensure that medical practitioners and other health professionals meet appropriate standards of education, skill and ethical codes of conduct. States are also obliged to ensure that harmful social or traditional practices do not interfere with access to pre- and post-natal care and family-planning; to prevent third parties from coercing women to undergo traditional practices, e.g. female genital mutilation; and to take measures to protect all vulnerable or marginalized groups of society, in particular women, children, adolescents and older persons, in the light of gender-based expressions of violence. States should also ensure that third parties do not limit people's access to health-related information and services.

36. The obligation to fulfil requires States parties, *inter alia*, to give sufficient recognition to the right to health in the national political and legal systems, preferably by way of legislative implementation, and to adopt a national health policy with a detailed plan for realizing the right to health. States must ensure provision of health care, including immunization programmes against the major infectious diseases, and ensure equal access for all to the underlying determinants of health, such as nutritiously safe food and potable drinking water, basic sanitation and adequate housing and living conditions. Public health infrastructures should provide for sexual and reproductive health services, including safe motherhood, particularly in rural areas. States have to ensure the appropriate training of doctors and other medical personnel, the provision of a sufficient number of hospitals, clinics and other health-related facilities, and the promotion and support of the establishment of institutions providing counselling and mental health services, with due regard to equitable distribution throughout the country. Further obligations include the provision of a public, private or mixed health insurance system which is affordable for all, the promotion of medical research and health education, as well as information campaigns, in particular with respect to HIV/AIDS, sexual and reproductive health, traditional practices, domestic violence, the abuse of alcohol and the use of cigarettes, drugs and other harmful substances. States are also required to adopt measures against environmental and occupational health hazards and against any other threat as demonstrated by epidemiological data. For this purpose they should formulate and implement national policies aimed at reducing and eliminating pollution of air, water and soil, including pollution by heavy metals such as lead from gasoline. Furthermore, States parties are required to formulate, implement and periodically review a coherent national policy to minimize the risk of occupational accidents and diseases, as well as to provide a coherent national policy on occupational safety and health services.[t]

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[t] Elements of such a policy are the identification, determination, authorization and control of dangerous materials, equipment, substances, agents and work processes; the provision of health information to workers and the provision, if needed, of adequate protective clothing and equipment; the enforcement of laws and regulations through adequate inspection; the requirement of notification of occupational accidents and diseases, the conduct of inquiries into serious accidents and diseases, and the production of annual statistics; the protection of workers and their representatives from disciplinary measures for actions properly taken by them in conformity with such a policy; and the provision of occupational health services with essentially

37. The obligation to fulfil (facilitate) requires States, *inter alia,* to take positive measures that enable and assist individuals and communities to enjoy the right to health. States parties are also obliged to fulfil (provide) a specific right contained in the Covenant when individuals or a group are unable, for reasons beyond their control, to realize that right themselves by the means at their disposal. The obligation to fulfil (promote) the right to health requires States to undertake actions that create, maintain and restore the health of the population. Such obligations include: (*a*) fostering recognition of factors favouring positive health results, e.g. research and provision of information; (*b*) ensuring that health services are culturally appropriate and that health care staff are trained to recognize and respond to the specific needs of vulnerable or marginalized groups; (*c*) ensuring that the State meets its obligations in the dissemination of appropriate information relating to healthy lifestyles and nutrition, harmful traditional practices and the availability of services; (*d*) supporting people in making informed choices about their health.

*International obligations*

38. In its General Comment No. 3 (1990) on the nature of States' parties obligations (art. 2, para. 1, of the Covenant), the Committee drew attention to the obligation of all States parties to take steps, individually and through international assistance and cooperation, especially economic and technical, towards the full realization of the rights recognized in the Covenant, such as the right to health. In the spirit of Article 56 of the Charter of the United Nations, the specific provisions of the Covenant (arts. 12, 2, para. 1, 22 and 23) and the Alma-Ata Declaration,[11] States parties should recognize the essential role of international cooperation and comply with their commitment to take joint and separate action to achieve the full realization of the right to health. In this regard, States parties are referred to the Alma-Ata Declaration which proclaims that "the existing gross inequality in the health status of the people, particularly between developed and developing countries, as well as within countries, is politically, socially and economically unacceptable and is, therefore, of common concern to all countries".

39. To comply with their international obligations in relation to article 12 of the Covenant, States parties have to respect the enjoyment of the right to health in other countries, and to prevent third parties from violating the right in other countries, if they are able to influence these third parties by way of legal or political means, in accordance with the Charter of the United Nations and applicable international law. Depending on the availability of resources, States should facilitate access to essential health facilities, goods and services in other countries, wherever possible and provide the necessary aid when required (see para. 45 below). States parties should ensure that the right to health is given due attention in international agreements and, to that end, should consider the development of further legal instruments. In relation to the

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preventive functions. See ILO Convention No. 155 (1981) concerning occupational safety and health and the working environment and Convention No. 161 (1985) concerning occupational health services.

[11] *Report of the International Conference on Primary Health Care, Alma-Ata, USSR, 6-2 September 1978,* WHO, "Health for All" Series, No. 1, Geneva, pp. 2-6.

conclusion of other international agreements, States parties should take steps to ensure that these instruments do not adversely impact upon the right to health. Similarly, States parties have an obligation to ensure that their actions as members of international organizations take due account of the right to health. Accordingly, States parties which are members of international financial institutions, notably the International Monetary Fund (IMF), the World Bank, and regional development banks, should pay greater attention to the protection of the right to health in influencing the lending policies, credit agreements and international measures of these institutions.

40. States parties have a joint and individual responsibility, in accordance with the Charter of the United Nations and relevant resolutions of the General Assembly and of the World Health Assembly, to cooperate in providing disaster relief and humanitarian assistance in times of emergency, including assistance to refugees and internally displaced persons. Each State should contribute to this task to the maximum of its capacities. Priority in the provision of international medical aid, distribution and management of resources, such as safe and potable water, food and medical supplies, and financial aid should be given to the most vulnerable or marginalized groups of the population. Moreover, given that some diseases are easily transmissible beyond the frontiers of a State, the international community has a collective responsibility to address this problem. The economically developed States parties have a special responsibility and interest to assist the poorer developing States in this regard.

41. States parties should refrain at all times from imposing embargoes or similar measures restricting the supply of another State with adequate medicines and medical equipment. Restrictions on such goods should never be used as an instrument of political and economic pressure. In this regard, the Committee recalls its position, stated in General Comment No. 8 (1997), on the relationship between economic sanctions and respect for economic, social and cultural rights.

42. While only States are parties to the Covenant and thus ultimately accountable for compliance with it, all members of society - individuals, including health professionals, families, local communities, intergovernmental and non-governmental organizations, civil society organizations, as well as the private business sector - have responsibilities regarding the realization of the right to health. State parties should therefore provide an environment which facilitates the discharge of these responsibilities.

*Core obligations*

43. In General Comment No. 3 (1990) on the nature of States' parties obligations (art. 2, para. 1, of the Covenant), the Committee confirms that States parties have a core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights enunciated in the Covenant, including essential primary health care. Read in conjunction with more contemporary instruments, such as the Programme of Action of the International

Conference on Population and Development,[v] the Alma-Ata Declaration provides compelling guidance on the core obligations arising from article 12 of the Covenant. Accordingly, in the Committee's view, these core obligations include at least the following obligations:

(*a*) To ensure the right of access to health facilities, goods and services on a non-discriminatory basis, especially for vulnerable or marginalized groups;

(*b*) To ensure access to the minimum essential food which is nutritionally adequate and safe, to ensure freedom from hunger to everyone;

(*c*) To ensure access to basic shelter, housing and sanitation, and an adequate supply of safe and potable water;

(*d*) To provide essential drugs, as from time to time defined under the WHO Action Programme on Essential Drugs;

(*e*) To ensure equitable distribution of all health facilities, goods and services;

(*f*) To adopt and implement a national public health strategy and plan of action, on the basis of epidemiological evidence, addressing the health concerns of the whole population; the strategy and plan of action shall be devised, and periodically reviewed, on the basis of a participatory and transparent process; they shall include methods, such as right to health indicators and benchmarks, by which progress can be closely monitored; the process by which the strategy and plan of action are devised, as well as their content, shall give particular attention to all vulnerable or marginalized groups.

44. The Committee also confirms that the following are obligations of comparable priority:

(*a*) To ensure reproductive, maternal (pre-natal as well as post-natal) and child health care;

(*b*) To provide immunization against the major infectious diseases occurring in the community;

(*c*) To take measures to prevent, treat and control epidemic and endemic diseases;

(*d*) To provide education and access to information concerning the main health problems in the community, including methods of preventing and controlling them;

(*e*) To provide appropriate training for health personnel, including education on health and human rights.

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[v] See *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994*, op. cit. (footnote *c* above), chaps. VII and VIII.

45. For the avoidance of any doubt, the Committee wishes to emphasize that it is particularly incumbent on States parties and other actors in a position to assist, to provide "international assistance and cooperation, especially economic and technical" (art. 2, para. 1, of the Covenant) which enable developing countries to fulfil their core and other obligations indicated in paragraphs 43 and 44 above.

## III. VIOLATIONS

46. When the normative content of article 12 of the Covenant (Part I above) is applied to the obligations of States parties (Part II above), a dynamic process is set in motion which facilitates identification of violations of the right to health. The following paragraphs provide illustrations of violations of article 12.

47. In determining which actions or omissions amount to a violation of the right to health, it is important to distinguish the inability from the unwillingness of a State party to comply with its obligations under article 12 of the Covenant. This follows from article 12, paragraph 1, which speaks of the highest attainable standard of health, as well as from article 2, paragraph 1, of the Covenant, which obliges each State party to take the necessary steps to the maximum of its available resources. A State which is unwilling to use the maximum of its available resources for the realization of the right to health is in violation of its obligations under article 12. If resource constraints render it impossible for a State to comply fully with its Covenant obligations, it has the burden of justifying that every effort has nevertheless been made to use all available resources at its disposal in order to satisfy, as a matter of priority, the obligations outlined above. It should be stressed, however, that a State party cannot, under any circumstances whatsoever, justify its non-compliance with the core obligations set out in paragraph 43 above, which are non-derogable.

48. Violations of the right to health can occur through the direct action of States or other entities insufficiently regulated by States. The adoption of any retrogressive measures incompatible with the core obligations under the right to health, outlined in paragraph 43 above, constitutes a violation of the right to health. Violations through acts of commission include the formal repeal or suspension of legislation necessary for the continued enjoyment of the right to health or the adoption of legislation or policies which are manifestly incompatible with pre-existing domestic or international legal obligations in relation to the right to health.

49. Violations of the right to health can also occur through the omission or failure of States to take necessary measures arising from legal obligations. Violations through acts of omission include the failure to take appropriate steps towards the full realization of everyone's right to the enjoyment of the highest attainable standard of physical and mental health, the failure to have a national policy on occupational safety and health as well as occupational health services, and the failure to enforce relevant laws.

### *Violations of the obligation to respect*

50. Violations of the obligation to respect are those State party actions, policies or laws that contravene the standards set out in article 12 of the Covenant and are likely to result in bodily harm, unnecessary morbidity and preventable mortality. Examples include the denial of access

to health facilities, goods and services to particular individuals or groups as a result of de jure or de facto discrimination; the deliberate withholding or misrepresentation of information vital to health protection or treatment; the suspension of legislation or the adoption of laws or policies that interfere with the enjoyment of any of the components of the right to health; and the failure of the State to take into account its legal obligations regarding the right to health when entering into bilateral or multilateral agreements with other States, international organizations and other entities, such as multinational corporations.

*Violations of the obligation to protect*

51. Violations of the obligation to protect follow from the failure of a State party to take all necessary measures to safeguard persons within their jurisdiction from infringements of the right to health by third parties. This category includes such omissions as the failure to regulate the activities of individuals, groups or corporations so as to prevent them from violating the right to health of others; the failure to protect consumers and workers from practices detrimental to health, for example, by employers and manufacturers of medicines or food; the failure to discourage production, marketing and consumption of tobacco, narcotics and other harmful substances; the failure to protect women against violence or to prosecute perpetrators; the failure to discourage the continued observance of harmful traditional medical or cultural practices; and the failure to enact or enforce laws to prevent the pollution of water, air and soil by extractive and manufacturing industries.

*Violations of the obligation to fulfil*

52. Violations of the obligation to fulfil occur through the failure of States parties to take all necessary steps to ensure the realization of the right to health. Examples include the failure to adopt or implement a national health policy designed to ensure the right to health for everyone; insufficient expenditure or misallocation of public resources which results in the non-enjoyment of the right to health by individuals or groups, particularly the vulnerable or marginalized; the failure to monitor the realization of the right to health at the national level, for example by identifying right-to-health indicators and benchmarks; the failure to take measures to reduce the inequitable distribution of health facilities, goods and services; the failure to adopt a gender-sensitive approach to health; and the failure to reduce infant and maternal mortality rates.

## IV. IMPLEMENTATION AT THE NATIONAL LEVEL

*Framework legislation*

53. The most appropriate feasible measures to implement the right to health will vary significantly from one State to another. Every State has a margin of discretion in assessing which measures are most suitable to meet its specific circumstances. The Covenant, however, clearly imposes a duty on each State to take whatever steps are necessary to ensure that everyone has access to health facilities, goods and services so that they can enjoy, as soon as possible, the highest attainable standard of physical and mental health. This requires the adoption of a national strategy to ensure to all the enjoyment of the right to health, based on human rights principles which define the objectives of that strategy, and the formulation of policies and

corresponding right-to-health indicators and benchmarks. The national health strategy should also identify the resources available to attain defined objectives, as well as the most cost-effective way of using those resources.

54. The formulation and implementation of national health strategies and plans of action should respect, *inter alia*, the principles of non-discrimination and people's participation. In particular, the right of individuals and groups to participate in decision-making processes, which may affect their development, must be an integral component of any policy, programme or strategy developed to discharge governmental obligations under article 12 of the Covenant. Promoting health must involve effective community action in setting priorities, making decisions, planning, implementing and evaluating strategies to achieve better health. Effective provision of health services can only be assured if people's participation is secured by States.

55. The national health strategy and plan of action should also be based on the principles of accountability, transparency and independence of the judiciary, since good governance is essential to the effective implementation of all human rights, including the realization of the right to health. In order to create a favourable climate for the realization of the right, States parties should take appropriate steps to ensure that the private business sector and civil society are aware of, and consider the importance of, the right to health in pursuing their activities.

56. States should consider adopting a framework law to put into effect their right-to-health national strategy. The framework law should establish national mechanisms for monitoring the implementation of national health strategies and plans of action. It should include provisions on the targets to be achieved and the time-frame for their achievement; the means by which right-to-health benchmarks could be achieved; the intended collaboration with civil society, including health experts, the private sector and international organizations; institutional responsibility for the implementation of the right to health national strategy and plan of action; and possible recourse procedures. In monitoring progress towards the realization of the right to health, States parties should identify the factors and difficulties affecting implementation of their obligations.

*Right-to-health indicators and benchmarks*

57. National health strategies should identify appropriate right-to-health indicators and benchmarks. The indicators should be designed to monitor, at the national and international levels, the State party's obligations under article 12 of the Covenant. States may obtain guidance on appropriate right-to-health indicators, which should address different aspects of the right to health, from the ongoing work of WHO and the United Nations Children's Fund (UNICEF) in this field. Right to health indicators require disaggregation on the prohibited grounds of discrimination.

58. Having identified appropriate right-to-health indicators, States parties are invited to set appropriate national benchmarks in relation to each indicator. During the periodic reporting procedure the Committee will engage in a process of "scoping" with the State party. Scoping involves the joint consideration by the State party and the Committee of the indicators and national benchmarks which will then provide the targets to be achieved during the next reporting

period. In the following five years, the State party will use these national benchmarks to help monitor its implementation of article 12 of the Covenant. Thereafter, in the subsequent reporting process, the State party and the Committee will consider whether or not the benchmarks have been achieved, and the reasons for any difficulties that may have been encountered.

*Remedies and accountability*

59. Any person or group victim of a violation of the right to health should have access to effective judicial or other appropriate remedies at both national and international levels.[w] All victims of such violations should be entitled to adequate reparation, which may take the form of restitution, compensation, satisfaction or guarantees of non-repetition. National ombudsmen, human rights commissions, consumer forums, patients' rights associations or similar institutions should address violations of the right to health.

60. The incorporation in the domestic legal order of international instruments recognizing the right to health can significantly enhance the scope and effectiveness of remedial measures and should be encouraged in all cases.[x] Incorporation enables courts to adjudicate violations of the right to health, or at least its core obligations, by direct reference to the Covenant.

61. Judges and members of the legal profession should be encouraged by States parties to pay greater attention to violations of the right to health in the exercise of their functions.

62. States parties should respect, protect, facilitate and promote the work of human rights advocates and other members of civil society with a view to assisting vulnerable or marginalized groups in the realization of their right to health.

## V. OBLIGATIONS OF ACTORS OTHER THAN STATES PARTIES

63. The role of the United Nations agencies and programmes, and in particular the key function assigned to WHO in realizing the right to health at the international, regional and country levels, is of particular importance, as is the function of UNICEF in relation to the right to health of children. When formulating and implementing their right to health national strategies, States parties should avail themselves of technical assistance and cooperation of WHO. Further, when preparing their reports, States parties should utilize the extensive information and advisory services of WHO with regard to data collection, disaggregation, and the development of right-to-health indicators and benchmarks.

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[w] Regardless of whether groups as such can seek remedies as distinct holders of rights, States parties are bound by both the collective and individual dimensions of article 12. Collective rights are critical in the field of health; modern public health policy relies heavily on prevention and promotion which are approaches directed primarily to groups.

[x] See the Committee's General Comment No. 2 (1990) on technical assistance measures (art. 22 of the Covenant), para. 9.

64. Moreover, coordinated efforts for the realization of the right to health should be maintained to enhance the interaction among all the actors concerned, including the various components of civil society. In conformity with articles 22 and 23 of the Covenant, WHO, the International Labour Organization (ILO), the United Nations Development Programme (UNDP), UNICEF, the United Nations Population Fund (UNFPA), the World Bank, regional development banks, the International Monetary Fund (IMF), the World Trade Organization (WTO) and other relevant bodies within the United Nations system, should cooperate effectively with States parties, building on their respective expertise, in relation to the implementation of the right to health at the national level, with due respect to their individual mandates. In particular, the international financial institutions, notably the World Bank and IMF, should pay greater attention to the protection of the right to health in their lending policies, credit agreements and structural adjustment programmes. When examining the reports of States parties and their ability to meet the obligations under article 12 of the Covenant, the Committee will consider the effects of the assistance provided by all other actors. The adoption of a human rights-based approach by United Nations specialized agencies, programmes and bodies will greatly facilitate implementation of the right to health. In the course of its examination of States parties' reports, the Committee will also consider the role of health professional associations and other non-governmental organizations in relation to the States' obligations under article 12.

65. The role of WHO, the Office of the United Nations High Commissioner for Refugees, the International Federation of Red Cross and Red Crescent Societies and UNICEF, as well as non-governmental organizations and national medical associations, is of particular importance in relation to disaster relief and humanitarian assistance in times of emergencies, including assistance to refugees and internally displaced persons. Priority in the provision of international medical aid, distribution and management of resources, such as safe and potable water, food and medical supplies, and financial aid should be given to the most vulnerable or marginalized groups of the population.

## ANNEX V

# Non-governmental organization participation in the activities of the Committee on Economic, Social and Cultural Rights

### I. Introduction

1. The Committee on Economic, Social and Cultural Rights attaches great importance to cooperation with all non-governmental organizations (NGOs) active in the field of economic, social and cultural rights - local, national and international, those in consultative status with the Economic and Social Council and those without such status. The Committee constantly encourages their participation in its activities. In an effort to secure the most effective and widest possible participation of NGOs in its activities, the Committee adopted, at its eighth session, in 1993, a procedure relating to NGO participation in activities of the Committee,[a] which explains in a concise manner the modalities of NGO participation in the Committee's work. The basic principles set out in that document have since been supplemented, as the Committee's practice evolved. These developments are reflected in the annual report of the Committee, in the chapter entitled "Overview of the present working methods of the Committee".

2. The present annex serves to provide detailed guidelines for NGOs with a view to facilitating their cooperation with the Committee to enhance the effectiveness of the international monitoring, through its examination of State party reports, of the implementation of the International Covenant on Economic, Social and Cultural Rights by States parties.

3. The main activities of the Committee that are open to NGO participation are:

(*a*) Consideration of State party reports;

(*b*) Days of general discussion;

(*c*) Drafting of general comments.

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[a] See *Official Records of the Economic and Social Council, 1994, Supplement No. 3* (E/1994/23-E/C.12/1993/19), chap. VII, para. 354.

## II. Non-governmental organization participation in the Committee's consideration of State party reports

### A. GENERAL

4. The stages in the consideration of State party reports in which NGOs can participate are detailed below:

(*a*) Entry into force of the Covenant: once a State party has ratified the Covenant, national NGOs working in the field of economic, social and cultural rights are encouraged to establish contact with the Committee secretariat (for the contact address, see Part V below);

(*b*) From the receipt of a State party's report until its consideration: submission of any relevant information (placed in country files established and maintained by the secretariat);

(*c*) Pre-sessional working group: submission of information directly to the member of the Committee responsible for drafting the list of issues (with copy to the secretariat) and/or submission of written information to the secretariat and/or oral presentations before the pre-sessional working group;

(*d*) Session at which a State party's report is scheduled for consideration: submission to the secretariat of a written statement and/or of information in the form of a report, and/or oral presentations before the Committee, within the framework of the Committee's "NGO hearings"; observing the Committee's dialogue with the State party delegation;

(*e*) Follow-up to the Committee's concluding observations: submission of information to the secretariat on the implementation of the concluding observations of the Committee in the State party concerned.

5. It is important that all information submitted to the Committee be: (*a*) specific to the Covenant; (*b*) relevant to the matters under consideration by the Committee or its pre-sessional working group; (*c*) based on documentary sources and properly referenced; (*d*) concise and succinct; and (*e*) reliable and not abusive. NGOs can submit information relating to all the articles of the Covenant, in which case it is useful to follow the revised guidelines regarding the form and content of reports to be submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights,[b] which are intended to assist States parties in the drafting of their reports. This lends itself to a parallel report format that resembles the structure of the official report and facilitates Committee members' comparative review of the parallel information. NGOs may also provide information on some articles or just one article.

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[b] Ibid., *1991, Supplement No. 3* (E/1991/23-E/C.12/1990/8), annex IV.

6. It is recommended that national NGOs collaborate, coordinate and consult when submitting information to the Committee. It is worthwhile, whenever possible, to produce a single consolidated submission representing a broad consensus by a number of NGOs. That could be accompanied by shorter, more targeted and detailed submissions by individual NGOs on their own priority areas. This kind of coordinated activity will help the secretariat and the Committee members to obtain a clearer picture of the current status of implementation of the Covenant in a given State party. Most importantly from the NGO perspective, joint submissions also eliminate the possibility of duplication and contradictions in the NGO information presented. The former creates inefficiency and increases the burden on Committee members, and the latter can undermine the credibility of the NGO submissions. Both duplicative and contradictory information from NGOs can weaken the NGOs' positions and arguments. On the other hand, consistency and accuracy, as well as demonstrated coordination, enhance the professionalism of presentations, increase credibility and ensure the NGOs' intended outcome.

7. NGOs wishing to attend the sessions of the Committee, the pre-sessional working group meetings or the Committee's NGO hearings should request accreditation from the secretariat in advance. NGOs wishing to speak should also indicate whether they require audio-visual equipment. This will help the secretariat to plan related activities, and to ensure that all participants have adequate time and equipment for their interventions. The average speaking time allotted to any one NGO is 15 minutes, although the speaking time varies in function of the number of NGOs wishing to speak.

8. The working languages of the Committee are English, French, Russian and Spanish. A document provided in English will reach the widest audience. However, the financial means of the NGO permitting, it is useful to submit at least a summary of the information in the working languages of the Committee other than the language of submission of the document.

9. Prior to and during the session, the secretariat provides the Government concerned with a copy of all written information provided to the Committee by NGOs, through the country's Permanent Mission to the United Nations Office at Geneva.

## B. NON-GOVERNMENTAL ORGANIZATION PARTICIPATION FOLLOWING THE SUBMISSION OF A STATE PARTY'S REPORT

10. When a State ratifies the Covenant, it commits itself to reporting regularly (the initial report is due two years after the entry into force of the Covenant and periodic reports are due at five-year intervals thereafter) to the Committee on measures it has taken towards the realization of the economic, social and cultural rights enshrined in the Covenant, including efforts undertaken through international cooperation. Reports prepared by the State party should conform to the revised guidelines.[b]

11. The process leading to the consideration of a State party's report by the Committee begins when the State party submits its report to the secretariat. Once the secretariat has received the report, it sends it for translation into the six official languages of the United Nations (Arabic, Chinese, English, French, Russian and Spanish). The report is issued as a United Nations document only when all language versions are ready, which may take up

to 12 months. In the meantime, the secretariat of the Committee establishes a list of national NGOs working in the field of economic, social and cultural rights and contacts these NGOs in writing to solicit information from them regarding the implementation of the Covenant in the country in question. Relevant documents (core document, State party report, list of issues, revised general guidelines, guidelines on NGO participation) are enclosed with the letter sent to NGOs. National NGOs interested in cooperating with the Committee are encouraged to contact the secretariat once the Covenant has entered into force for their country. This will assist the secretariat at a later stage, when it seeks to solicit information from national NGOs regarding a State party's report.

12. The Committee also encourages Governments to consult with NGOs and civil society in general on matters concerning the Covenant's implementation, including the reporting process. NGOs may find it opportune to contact the relevant government ministry for information, including reporting dates and related documents.

13. Following the submission of a State party's report and until its consideration by the Committee, NGOs can submit any type of information to the secretariat of the Committee (press clippings, NGO newsletters, videotapes, reports, academic publications, studies, joint statements, etc.). This information will be included in the country file established and maintained within the secretariat. The country files contain information obtained by the secretariat from all available sources (United Nations bodies, specialized agencies, the media, regional institutions, academic publications, the NGO community, etc.). On the basis of the information contained in the relevant country file, the secretariat prepares for the Committee a country profile, a working document which attempts to provide insights into the situation in the State to be examined, to complement the information provided by the State party in its report.

## C. NON-GOVERNMENTAL ORGANIZATION PARTICIPATION IN THE WORK OF THE PRE-SESSIONAL WORKING GROUP

14. A pre-sessional working group of the Committee, composed of five of its members, meets in private after each Committee session for a week to prepare for the next session. Typically, the pre-sessional working group considers five State party reports at each of its sessions. Each member of the group serves as a "country rapporteur", with the task of drafting a list of issues concerning one of the five reports. A list of issues contains questions addressed to the State party, formulated on the basis of the documents submitted by the State party (core document, report, annexes to the report) and on information made available to the Committee from all other sources, including NGOs. At the session of the Committee at which the report is considered, the country rapporteur is also responsible for drafting concluding observations, on the basis of the State party's report and the dialogue between the Committee and the State party.

15. In the pre-sessional working group, each country rapporteur presents his or her draft list of issues to the other members of the group. The working group discusses each draft, and adopts a final list of issues for each of the five countries under discussion. The list of issues is made available to the State party immediately after its adoption, through its Permanent Mission to the United Nations Office at Geneva. The State party is requested to provide written replies to the list of issues well in advance of the session at which its report is scheduled for consideration, in

order to allow sufficient time for their translation into all the working languages of the Committee. The lists of questions and the replies to the lists are also made available to the public on the Web site of the Office of the United Nations High Commissioner for Human Rights (see appendix below).

16. There are three possibilities for NGOs, international or national, to contribute to the work of the pre-sessional working group:

(*a*) Prior to the meeting of the working group, relevant information may be submitted directly to the country rapporteur concerned;

(*b*) Prior to the meeting of the working group, relevant information may be submitted to the secretariat for distribution to the full working group;

(*c*) Oral statements may be made by NGO representatives in person during the first morning of the pre-sessional working group meeting.

*1. Submission of information to country rapporteurs*

17. NGOs can submit relevant information on a particular country directly to the country rapporteur responsible for drafting the list of issues. In this event, the NGO should contact the secretariat or consult the Web site of the Office of the United Nations High Commissioner for Human Rights for a list of the State party reports that are pending consideration by the Committee at its future sessions. The pre-sessional working group discusses and adopts the list of issues regarding a given State party report 6 to 12 months prior to the consideration of the report by the Committee.

18. Accordingly, an NGO wishing to submit information on a State party directly to the country rapporteur responsible for drafting the list of issues should obtain from the secretariat the name and address of the country rapporteur concerned. It is recommended that a copy of any document that the NGO submits to the country rapporteur be also sent to the secretariat for distribution to other pre-sessional working group members at the working group meeting.

*2. Submission of written information to the pre-sessional working group*

19. NGOs may also submit written information to the pre-sessional working group, through the secretariat. This information should be made available in the form of a report discussing the implementation of the Covenant in the State party on an article-by-article basis. It is particularly helpful to formulate, at the end of each section specific questions which the working group may consider incorporating in the list of issues with respect to the State party concerned. Ten copies of the report (and a summary) should be delivered to the secretariat one week before the working group meets, for distribution to its members.

### *3. Oral statement to the pre-sessional working group*

20. NGOs are also encouraged to make an oral presentation at the first meeting of the pre-sessional working group, which is usually held on a Monday from 10.30 a.m. to 1 p.m. The statement should be specific to the articles of the Covenant, focusing on the most pressing issues from the NGO perspective and providing suggestions for specific questions that the pre-sessional working group may consider incorporating in the list of issues with respect to the State party concerned.

## D. NON-GOVERNMENTAL ORGANIZATION PARTICIPATION AT THE COMMITTEE SESSION

### *1. Submission of a written statement*

21. NGOs in general or special consultative status with the Economic and Social Council, or on the Roster[c] may submit a written statement to the Committee at the reporting session. An NGO without consultative status with the Economic and Social Council may submit a written statement provided that it is sponsored by an NGO in consultative status with the Council. The procedure is identical to that used at the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights: the statement should be no more than 2,000 words long for NGOs in general consultative status with ECOSOC and no longer than 1,500 words for NGOs in special consultative status and on the Roster, and it should be double spaced. It will be translated into all the working languages of the Committee and issued as a United Nations document if the secretariat of the Committee receives it no later than three months in advance of the session for which the statement is intended.

### *2. Submission of a report*

22. For the session at which a given State party's report is scheduled for consideration, NGOs can submit written information in the form of a "parallel" report, providing a supplementary or alternative interpretation, or second opinion, concerning the status of implementation of the economic, social and cultural rights enshrined in the Covenant in that country. Where possible, it is useful to submit a summary of the report in all the working languages of the Committee. NGOs should deliver 25 copies of their report and summary to the secretariat a week prior to the session for distribution to Committee members: one for each member (18), three for the secretariat and four for the interpreters.

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[c] General consultative status is assigned to NGOs with broad interest in most Economic and Social Council activities. Special consultative status is assigned to NGOs with interest in special spheres of Council activities. NGOs in the position to make occasional and useful contributions to the work of the Council or its subsidiary bodies or other United Nations bodies within their competence, may be placed on the Roster.

*3. Oral statement at the Committee's non-governmental organization hearings*

23. NGOs can also voice their concerns during the NGO hearings which take place on the first day of each reporting session, from 3 p.m. to 6 p.m. The average time limit for NGO statements is 15 minutes. In their statements, NGOs are invited to:

(*a*) State their opinion about the government report;

(*b*) Indicate whether or not there was any domestic government/NGO consultation or cooperation through the reporting process;

(*c*) Discuss the main critical points of the parallel report;

(*d*) Identify prevailing trends relevant to economic, social and cultural rights in the country;

(*e*) Present any new information that has become available since the NGO written report was submitted;

(*f*) Propose solutions to problems encountered in the implementation of the Covenant;

(*g*) Report any positive examples of problem-solving by the Government in implementing the Covenant.

24. States parties concerned are informed of the NGO hearings and are invited to attend hearings as observers. States parties will have an opportunity to comment on the statements made by NGOs during the Committee's consideration of their report.

*4. Observing the consideration of State party reports*

25. As part of the consideration of a State party report, the Committee engages in a dialogue with the government delegation. Committee members pose questions on the implementation of the Covenant in the country, based on the State party report, the core document, the replies provided by the State party to the list of issues, and any additional information submitted to the Committee. During the dialogue between the State party delegation and the Committee, NGOs cannot intervene, but it is useful for them to remain in the conference room to observe the dialogue.

## E. NON-GOVERNMENTAL ORGANIZATION PARTICIPATION IN THE COMMITTEE'S FOLLOW-UP TO CONSIDERATION OF STATE PARTY REPORTS

26. At the end of its consideration of a State party report, the Committee adopts concluding observations which reflect the Committee's position with respect to the status of implementation of the Covenant by the Government concerned. The concluding observations contain, *inter alia*,

recommendations regarding the further implementation by the State party of the Covenant. The concluding observations are made public, usually on the last day of the Committee session at noon. Soon thereafter, they are translated into and issued in all the official languages of the United Nations as a separate document. They are also placed on the Web site of the Office of the United Nations High Commissioner for Human Rights. The concluding observations are made available to the State party concerned and are included in the annual report of the Committee.

27. The role of NGOs is crucial after the Committee issues its concluding observations. They can assist by providing the Committee with reports on follow-up measures taken by the Government in response to the recommendations contained in the concluding observations. NGOs can give publicity to the concluding observations locally and nationally, and monitor the Government's performance in implementing the Committee's recommendations. NGOs reporting back to the Committee on the basis of their local monitoring and awareness-raising activities would contribute to more effective follow-up on the part of the Committee by keeping it informed of developments in the country after the consideration of the State party report.

28. It would also be useful for local and national NGOs actively involved in the monitoring activities of the Committee to prepare a document on their experiences and on the working methods of the Committee, with comments, advice for other NGOs and suggestions for improvement of the system. Such a document, if distributed widely within the country and sent to the secretariat of the Committee, would serve as a tool for awareness-raising, and would assist the Committee and the secretariat in improving their performance.

## F. NON-GOVERNMENTAL ORGANIZATION PARTICIPATION IN THE COMMITTEE'S CONSIDERATION OF THE STATUS OF IMPLEMENTATION OF THE COVENANT IN NON-REPORTING STATES

29. In situations where an initial State party report is significantly overdue, the Committee applies a procedure of reviewing the situation concerning the status of implementation of the Covenant with respect to that State party. The Committee notifies the State party of its intention to consider the status of economic, social and cultural rights in the territory under its jurisdiction at a specified future session, and encourages the State party to submit its report as soon as possible. In the absence of a report, the Committee proceeds with the consideration as scheduled, on the basis of all information available to it.

30. In such cases, information provided by NGOs becomes especially valuable to the Committee, in view of the absence of materials from the State party. Thus, any relevant information is welcomed, and the most useful way to intervene is to submit a report discussing article by article the implementation of the Covenant by the State party. In addition, it is highly recommended that NGOs participate in the Committee's NGO hearings and provide information orally regarding the situation in the country under review. Information regarding the review by the Committee of the status of implementation of the Covenant in States whose reports are long overdue is available on the Web site of the Office of the United Nations High Commissioner for Human Rights or from the secretariat.

## III. Non-governmental organization participation in the Committee's day of general discussion

31. At each session, the Committee devotes one day, usually the Monday of the third week of the session, to general discussion of a particular right or of a particular aspect of the Covenant. The purpose is twofold: first, to assist the Committee in developing in greater depth its understanding of the relevant issues; and also, to enable the Committee to encourage inputs into its work from all interested parties.

32. NGOs specialized in the topic scheduled to be addressed by the Committee during its day of general discussion can participate in two ways. First, they can provide the Committee with a background paper, which should be submitted to the secretariat no later than three months in advance of the session at which the day of general discussion is scheduled to take place. This document, which should not be more than 15 double-spaced pages in length, will be translated into all the working languages of the Committee and issued as a United Nations document. Second, specialized NGOs can send their experts to participate in the day of general discussion. Information on the topics for discussion at future days of general discussion can be obtained from the secretariat.

## IV. Non-governmental organization participation in Committee activities relating to the drafting and adoption of general comments

33. The Committee endeavours, through its general comments, to make available for the benefit of all States parties the experience gained continuously through the examination of State party reports. General comments provide an authoritative interpretation of the rights contained in the Covenant and States parties' obligations and assist and promote the further implementation of the Covenant by providing guidance to States parties on practical ways and means to respect, protect and fulfil specific economic, social and cultural rights. The 14 general comments adopted by the Committee as of 1 June 2000 are listed in the appendix to the present annex. The general comments may be found in the annexes to the Committee reports in the *Official Records of the Economic and Social Council*, and English, French and Spanish texts on the Web site of the Office of the United Nations High Commissioner for Human Rights. Information regarding the scheduled discussion and adoption of general comments can be obtained from the secretariat.

34. During the stages of the drafting and discussion of a general comment, specialized NGOs can address the Committee in writing. During discussions, NGOs can make short oral statements on specific points of the draft general comment. It is preferred that any recommendations as to the text of a draft general comment be presented also in written form (and on electronic diskette) for ease of eventual incorporation in the document.

## V. Sources of information

35. Information on State party reporting and on the Committee's sessions is available on the Web site of the Office of the United Nations High Commissioner for Human Rights (www.unhchr.ch).

36. On-line versions of documents of the Committee, information on ratifications, status of reporting and the membership of the Committee are also available at the same Web site.

37. Further information is available from the secretariat of the Committee at the following address:

Secretary to the Committee on Economic, Social and Cultural Rights*
Office of the United Nations High Commissioner for Human Rights
Office 1-025, Palais Wilson
Palais des Nations
8-14 Avenue de la Paix
1211 Geneva 10
Switzerland
Tel. (41 22 ) 917 9321
Fax. (41 22 ) 917 9046/9022

* E-mail: atikhonov.hchr@unog.ch

## Appendix

## Reference documents

*Fact Sheet No. 16/Rev.1*

Contains the International Covenant on Economic, Social and Cultural Rights, and information on the working methods of the Committee (also at the Web site: www.unhchr.ch).

*NGO participation in activities of the Committee on Economic, Social and Cultural Rights*

Procedure adopted by the Committee at its eighth session, in 1993 (see *Official Records of the Economic and Social Council, 1994, Supplement No. 3* (E/1994/23-E/C.12/1993/19), chap. VII, para. 354 (E/C.12/1993/WP.14, www.unhchr.ch/tbs/doc.nsf).

*Revised guidelines regarding the form and contents of reports to be submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights*

*Official Records of the Economic and Social Council, 1991, Supplement No. 3* (E/1991/23-E/C.12/1990/8), annex IV.

*Preparation of the initial parts of State party reports ("core documents") under the various international human rights instruments*

Documents HRI/CORE/1/ ... (also on the Web site: www.unhchr.ch/tbs/doc.nsf).

*Status of the International Covenant on Economic, Social and Cultural Rights and reservations, withdrawals, declarations and objections under the Covenant*

Document E/C.12/1993/3/Rev.4 (also on the Web site at: www.unhchr.ch/tbs/doc.nsf).

*Selected bibliography of published material relating to the International Covenant on Economic, Social and Cultural Rights and the work of the Committee*

Updated bibliography of published material, prepared by the secretariat (E/C.12/1989/L.3/Rev.3; also on the Web site: www.unhchr.ch/tbs/doc.nsf).

*General Comments of the Committee*

No. 1 (1989) on reporting by States parties (*Official Records of the Economic and Social Council, 1989, Supplement No. 4* (E/1989/22-E/C.12/1989/5), annex III);

No. 2 (1990) on international technical assistance measures (art. 22, para. 1, of the Covenant) (ibid., *1990, Supplement No. 3* (E/1990/23-E/C.12/1990/3 and Corr.1), annex III);

No. 3 (1990) on the nature of States parties' obligations (art. 2, para. 1, of the Covenant) (ibid., *1991, Supplement No. 3*) (E/1991/23-E/C.12/1990/8 and Corr.1, annex III);

No. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant) (ibid., *1992, Supplement No. 3* (E/1992/23-E/C.12/1991/4 and Add.1), annex III);

No. 5 (1994) on persons with disabilities (ibid., *1995, Supplement No. 3* (E/1995/22-E/C.12/1994/20 and Corr.1), annex IV);

No. 6 (1995) on the economic, social and cultural rights of older persons (ibid., *1996, Supplement No. 2* (E/1996/22-E/C.12/1995/18), annex IV);

No. 7 (1997) on the right to adequate housing (art. 11, para. 1, of the Covenant): forced evictions (ibid., *1998, Supplement No. 2* (E/1998/22-E/C.12/1997/10), annex IV);

No. 8 (1997) on the relationship between economic sanctions and respect for economic, social and cultural rights (ibid., annex V);

No. 9 (1998) on domestic application of the Covenant (ibid., *1999, Supplement No. 2* (E/1999/22-E/C.12/1998/26), annex IV);

No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights (ibid., annex V);

No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant) (ibid., *2000, Supplement No. 2* (E/2000/22-E/C.12/1999/11 and Corr.1), annex IV);

No. 12 (1999) on the right to adequate food (art. 11 of the Covenant) (ibid., annex V);

No. 13 (1999) on the right to education (art. 13 of the Covenant) (ibid., annex VI);

No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant) (annex IV of the present report).

Also on the Web site: www.unhchr.ch/tbs/doc.nsf.

*Annual reports of the Committee**

First session, 9-27 March 1987 (E/1987/28-E/C.12/1987/5);

Second session, 8-25 February 1988 (E/1988/14-E/C.12/1988/4);

Third session, 6-24 February 1989 (E/1989/22-E/C.12/1989/5);

Fourth session, 15 January-2 February 1990 (E/1990/23-E/C.12/1990/3 and Corr.1);

Fifth session, 26 November-14 December 1990 (E/1991/23-E/C.12/1990/8 and Corr.1);

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* Published as *Official Records of the Economic and Social Council.*

Sixth session, 25 November-13 December 1991 (E/1992/23-E/C.12/1991/4 and Add.1);

Seventh session, 23 November-11 December 1992 (E/1993/22-E/C.12/1992/2);

Eighth and ninth sessions, 10-28 May 1993, 22 November-10 December 1993 (E/1994/23-E/C.12/1993/19);

Tenth and eleventh sessions, 2-20 May 1994, 21 November-9 December 1994 (E/1995/22-E/C.12/1994/20 and Corr.1);

Twelfth and thirteenth sessions, 1-19 May 1995, 20 November-8 December 1995 (E/1996/22-E/C.12/1995/18);

Fourteenth and fifteenth sessions, 30 April-17 May 1996, 18 November-6 December 1996 (E/1997/22-E/C.12/1996/6);

Sixteenth and seventeenth sessions, 28 April-16 May 1997, 17 November-5 December 1997 (E/1998/22-E/C.12/1997/10);

Eighteenth and nineteenth sessions, 27 April-15 May 1998, 16 November-4 December 1998 (E/1999/22-E/C.12/1998/26);

Twentieth and twenty-first sessions, 26 April-14 May 1999, 15 November-3 December 1999 (E/2000/22-E/C.12/1999/11 and Corr.1).

(Also on the Web site, starting at the tenth and eleventh sessions: www.unhchr.ch/tbs/doc.nsf)

## ANNEX VI

# Cooperation with international financial institutions

### A. Letter dated 7 September 2000 from the Chairperson of the Committee on Economic, Social and Cultural Rights addressed to the President of the World Bank and to the Director-General of the International Monetary Fund

The United Nations Committee on Economic, Social and Cultural Rights monitors State parties' implementation of the International Covenant on Economic, Social and Cultural Rights and presently 143 States have ratified the Covenant. The Committee consists of 18 independent experts acting in their personal capacities.

Essentially, poverty reduction and social exclusion are among the central concerns of the Covenant and since the Committee was established some 13 years ago, these two concerns have been among the dominant themes recurring throughout the Committee's work. Thus, the Committee is greatly encouraged by the international community's growing recognition of poverty reduction as the critical developmental objective for the twenty-first century.

The Committee has followed with interest the evolution of the Heavily Indebted Poor Country Initiative. Developments since the Group of Seven major industrialized countries meeting in Cologne last year have been of particular interest, especially one of the new elements in the enhanced Heavily Indebted Poor Countries Initiative - the preparation of Poverty Reduction Strategy Papers. As two human rights experts of the United Nations Commission on Human Rights (Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights, Mr. Reinaldo Figueredo, and the independent expert on structural adjustment and foreign debt, Mr. Fantu Cheru) have recently remarked: "the emphasis on strengthening the link between debt relief and poverty reduction represents a tremendous step forward in the tortured history of debt relief for poor countries".

I write to you to signal an issue of the first importance which does not appear to be attracting the attention it deserves in the context of the current discussion about the Heavily Indebted Poor Countries Initiative and Poverty Reduction Strategy Papers - the relationship between poverty and human rights. The point was made most recently only a few weeks ago in UNDP's *Human Development Report, 2000* which scrutinizes the links between human development and human rights: "Poverty eradication is a major human rights challenge of the 21st century. A decent standard of living, adequate nutrition, health care, education, decent work and protection against calamities are not just developmental goals - they are also human rights."

In this connection, the Committee urges all those concerned with the formulation of poverty reduction strategy papers, including the World Bank and IMF, to ensure that adequate attention is devoted to the human rights dimensions of poverty. It is the view of the Committee that international human rights law in general, and the Covenant in particular, has a distinctive and invaluable contribution to make to both the processes and outcomes of poverty reduction strategies. If human rights are explicitly taken into account, they are likely to make poverty

reduction strategy papers more transparent, inclusive, participatory, equitable, robust, effective and sustainable. Moreover, if indebted States have ratified the Covenant, it is incumbent upon all those involved to ensure that the Heavily Indebted Poor Countries Initiative enables such States to comply with their binding international human rights treaty obligations.

This letter is not the place to examine in any detail how human rights may enhance the effectiveness of Poverty Reduction Strategy Papers. I emphasize only that the Committee's long experience in monitoring States parties' implementation of the Covenant has led it to the firm view that poverty and human rights are inextricably linked and that the consideration of human rights can greatly enhance poverty reduction strategies.

Finally, in a spirit of mutual cooperation and respect, I will very much welcome the opportunity to discuss with those engaged in the Heavily Indebted Poor Countries Initiative, how human rights and especially the International Covenant on Economic, Social and Cultural Rights, can enhance the preparation and implementation of Poverty Reduction Strategy Papers.

Chairperson
Committee on Economic, Social and Cultural Rights

(*Signed*) Virginia Bonoan-Dandan

**B. Letter dated 26 September 2000 from the President of the World Bank, in reply to the letter from the Chairperson of the Committee on Economic, Social and Cultural Rights**

Thank you very much for your letter to me and Mr. Horst Köhler dated 7 September. I welcome your interest in the new Poverty Reduction Strategy approach and in the Heavily Indebted Poor Countries Initiative for debt relief, and share your concerns about the human rights dimension of poverty. As you may have seen from the recently released *World Development Report for 2000-2001*, the World Bank is taking an increasingly broad view of poverty, which encompasses lack of empowerment of the poor as a central aspect of poverty, as well as more traditional notions of lack of security and opportunity. I personally have been very forcefully struck by how repeatedly the poor cite their "lack of voice" or inability to influence the decisions, services and institutions which affect their lives as key among their concerns.

The challenge is, of course, how to translate this "lack of voice" into practical policies through the Poverty Reduction Strategy Papers programme. We hope that the participatory nature of these strategy papers, which are to be formulated and evaluated with the involvement of civil society, the poor and other stakeholders, will help in this regard. Broader participation should lead to more open and transparent decision-making, and to programmes and policies that are more responsive to the priorities of the poor. There are already encouraging signs, though it is still early, that Governments who have not in the past had a tradition of participation are becoming more consultative.

Finally, let me say how much I too would welcome greater dialogue between our institutions on these issues, and I suggest that our Director of Poverty Reduction Strategies, Mr. John Page, is the appropriate point of contact.

(*Signed*) James D. Wolfensohn

### C. Letter dated 14 November 2000 from the Director-General of the International Monetary Fund, in reply to the letter from the Chairperson of the Committee on Economic, Social and Cultural Rights

Thank you very much for your letter of 7 September, addressed to World Bank President Wolfensohn and myself. I attach great importance to countries' poverty reduction efforts encompassing the many dimensions of poverty, including human rights. In this regard, international agencies can best support countries' efforts according to their respective mandates and areas of expertise, and the United Nations agencies, with their diverse development perspectives, can make an important contribution to these efforts. Therefore, I welcome your interest in the new Poverty Reduction Strategy in conjunction with the enhanced Heavily Indebted Poor Countries Initiative for debt relief.

I am pleased to note that the IMF and World Bank governing bodies, meeting very recently in Prague, endorsed our approach, which includes steps to define clearly our respective responsibilities and mandates. For the IMF, my vision, endorsed by the Board of Governors, entails that the IMF should strive to promote non-inflationary economic growth that benefits all people of the world; that it should play a central role in safeguarding the stability of the international financial system; that it should further focus its activities on macroeconomic stability; working in a complementary fashion with other international institutions; and that it should be an open institution, learning from experience and dialogue, and adapting continuously to changing circumstances.

I firmly believe that success along these lines will set the framework for countries to achieve major progress in poverty reduction and, thereby, in the realization of fundamental human rights. The new poverty reduction approach is based on countries' own poverty reduction strategies, which are embodied in Poverty Reduction Strategy Papers that are the basis of the IMF's concessional lending through the Poverty Reduction and Growth Facility to low-income countries and are integral to the enhanced Heavily Indebted Poor Countries Initiative. Poverty Reduction Strategy Papers are to be prepared through a broad-based participatory process that takes account of the views of the poor and other vulnerable segments of society. The objectives of these strategy papers are expected to be aligned with the international development goals, which seek, among other things, to promote universal access to primary education, good health for all, and gender equality, including in primary and secondary school enrolment - all important elements of human rights. In addition, through the enhanced HIPC initiative and its lending to low-income countries, the IMF has supported public spending aimed at promoting universal access to basic social services. Under IMF-supported programmes, public spending on education and health in a representative sample of 32 low-income countries has increased on average in real per capita terms from 1985 to 1999 by 4.3 per cent and 4.2 per cent per annum, respectively; in heavily indebted poor countries for which the IMF has committed debt relief, real per capita spending on education and health increased on average by 4 per cent and 6.1 per cent per annum, respectively.

The increase in public social spending was accompanied by improvements in social indicators: on average between 1985 and 1997, illiteracy rates declined by 2.2 per cent a year, primary school enrolment increased by 1 per cent a year, infant mortality declined by 1.5 per cent a year, and life expectancy increased by 0.2 per cent a year, while access to health care and safe water improved by 11.2 per cent a year and 4.2 per cent a year, respectively.

Lastly, I would suggest Mr. Anthony Boote, Assistant Director, Policy Development and Review Department as the point of contact for further dialogue on the issues that you raised in your letter.

(*Signed*) Horst Köhler

## ANNEX VII

# Enhancing collaboration with the United Nations Educational, Scientific and Cultural Organization

### A. Letter dated 22 August 2000 from the Chairperson of the Committee on Economic, Social and Cultural Rights addressed to the Director-General of the United Nations Educational, Scientific and Cultural Organization

May I warmly congratulate you upon your election as the Director-General of UNESCO.

As you may recall, the United Nations Committee on Economic, Social and Cultural Rights monitors implementation of the International Covenant on Economic, Social and Cultural Rights which has been ratified by 143 States. Recently, the Committee adopted two General Comments on the right to education. The Committee's general comments are designed to provide guidance to States parties as they prepare their country report, which have to be submitted to the Committee every five years. As it prepared its general comments on the right to education, the Committee obtained very considerable assistance from UNESCO and, on behalf of the Committee, I would like to thank UNESCO for this assistance, as well as its other constructive participation in recent sessions of the Committee.

Presently, the Committee is looking forward to UNESCO building upon this experience of collaboration in a spirit of common endeavour. UNESCO has greater responsibilities in the field of the right to education following the recent World Forum on Education for All. It is indeed encouraging that the Dakar Framework for Action, which Mr. Kishore Singh of UNESCO highlighted at the twenty-second and twenty-third sessions of the Committee, reaffirms the right to education as a fundamental human right and thereby reinforces the State obligation under international law for providing basic education to all as a matter of priority.

The Committee also acknowledges that the UNESCO *World Education Report 2000*, entitled "The Right to Education - Towards Education for All throughout Life", provides scope for further reflections on issues of critical importance. In keeping with its intellectual vocation and with its responsibility for following up the Dakar Framework, it is befitting for UNESCO to help States in developing legal and other strategies aimed at the realization of the right to education.

Given the resolution adopted by the UNESCO General Conference in November 1999 (30 C/Res.15) regarding cooperation with the United Nations in monitoring the implementation of the right to education, the Committee is most willing, in a mutually complementary spirit, to strengthen such cooperation with UNESCO with a view to accomplishing our common objectives. In this light, the Committee would greatly appreciate the opportunity to explore, with you and UNESCO's Executive Board, practical and specific ways in which collaboration between UNESCO and the Committee could be enhanced to the benefit of all parties. The Committee is eager to continue to develop collaboration with UNESCO, building on the positive experiences of the past 12 months.

Chairperson
Committee on Economic, Social and Cultural Rights
(*Signed*) Virginia Bonoan-Dandan

**B. Letter dated 10 November 2000 from the Director-General of the United Nations Educational, Scientific and Cultural Organization, in reply to the letter from the Chairperson of the Committee on Economic, Social and Cultural Rights**

Thank you for your letter of 22 August 2000 regarding collaboration between the Committee on Economic, Social and Cultural Rights and UNESCO. I particularly appreciate your initiative aimed at enhancing such collaboration in a mutually complementary spirit. This will no doubt impart synergy to our common endeavour in monitoring and promoting the implementation of the right to education in all its dimensions. The cooperation with the United Nations and with the Committee on Economic, Social and Cultural Rights, in keeping with resolution 30 C/Res.15 to which you refer, assumes added significance in the wake of the approval of the Dakar Framework for Action, which gives new impetus to the realization of the right to education, and the adoption of the Millennium Declaration in New York in early September 2000.

As concerns your wish to explore the possibility of a dialogue with UNESCO's Executive Board, it is possible that, in view of the shared concerns of the Committee on Economic, Social and Cultural Rights and the UNESCO Committee on Conventions and Recommendations, which is a subsidiary organ of the Executive Board, these two Committees might benefit from each other's experience. I am therefore copying this correspondence between us to the Chairperson of the Executive Board, Ms. Sonia Mendieta de Badaroux, who will doubtless wish to discuss the matter with the Chairman of the Committee on Conventions and Recommendations, Mr. Hector K. Villarroel, and examine with him how best to proceed. It might be appropriate, for example, to envisage a discussion on the right to education during a future session of the Executive Board which could serve to initiate a policy dialogue with the Committee on Economic, Social and Cultural Rights.

Furthermore, with a view to programmatic collaboration, Mr Jacques Hallak, Assistant Director-General for Education a.i., could explore with you and with HCR the possibilities for a round of consultations between the Committee on Economic, Social and Cultural Rights and UNESCO and the planning of certain joint activities to be undertaken in the future for the benefit of Member States. It seems to me that during the constructive dialogue with the States parties to the International Covenant on Economic, Social and Cultural Rights maintained by the Committee, UNESCO could have a more active role in preparing the recommendation to be addressed to them for strengthening country level action on the right to education.

I should like to congratulate the Committee on the excellent work it is doing in monitoring the implementation of the rights enshrined in the Covenant, especially the right to education, and, once more, to thank you very warmly for your initiative in seeking with UNESCO to strengthen our common endeavour.

(*Signed*) Koïchiro Matsuura

## ANNEX VIII

## Statement of the Committee on Economic, Social and Cultural Rights to the Convention to draft a Charter of Fundamental Rights of the European Union

1. The United Nations Committee on Economic, Social and Cultural Rights takes note of the impressive work presently devoted to the elaboration of a draft Charter of Fundamental Rights of the European Union to be presented to the European Council and to the European Parliament by the end of this year. This endeavours to consolidate the existing human rights standards forming part of the "*acquis communautaire*", as developed by the case law of the European Court of Justice, and embracing the common constitutional traditions of member States of the European Union, as well as the human rights enunciated in the European Convention on Human Rights and Fundamental Freedoms and the European Social Charter. The Committee notes with great interest that the most recent draft articles elaborated by the Convention to draft a Charter of Fundamental Rights of the European Union refer to economic and social rights as contained in the relevant documents (Convent 18, Charte 4192/00 of 27 March 2000 and Convent 19, Charte 4193/00 of 29 March 2000), and purport to entrench such rights alongside civil and political rights, with the object of rendering all human rights at the European Union fully justiciable.

2. The Committee notes with satisfaction that the Convention thus endeavours to stress the indivisibility of all human rights and would like to point out that this strategy conforms with the existing international human rights obligations resting on each of the member States of the European Union as parties to the International Covenant on Economic, Social and Cultural Rights.

3. Considering that, in the context of the European Union, economic and monetary policies have been fully integrated, special attention should therefore be given to economic and social rights as a corollary to these steps of integration. So far, only the European Social Charter (revised), with Protocols, and the declaration of the Community Charter of Fundamental Social Rights of Workers of 1989, address these human rights issues, but they have not achieved the same degree of justiciability and enforceability as civil and political rights. The proposed articles on economic and social rights in the draft Charter, therefore, mark a considerable step in the right direction.

4. The Committee, while wishing to express its fullest support for these proposals, would nevertheless like to point out that if economic and social rights were not to be integrated in the draft Charter on an equal footing with civil and political rights, such negative regional signals would be highly detrimental to the full realization of all human rights at both the international and domestic levels, and would have to be regarded as a retrogressive step contravening the existing obligations of member States of the European Union under the International Covenant on Economic, Social and Cultural Rights. In such a case, the Committee might have to raise this

issue when examining reports by States parties, as a violation of the obligation under article 2, paragraph 1, of the Covenant to "achieving progressively the full realization of the rights recognized" in that Covenant, i.e. taking measures geared to progressively realize and promote economic, social and cultural rights.

5. The Committee wishes to emphasize that only a Charter which will be fully binding on member States of the European Union, and which would give every individual a justiciable right of complaint about violations of civil and political, as well as economic and social, rights, can fully secure the protection of all human rights.

6. Furthermore, the Committee, while noting that in the explanatory notes to each draft article on economic and social rights ample reference to the European law sources is provided, no reference to the relevant economic and social rights' obligations existing under the International Bill of Human Rights, i.e. under the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. The Committee in this connection welcomes draft amendments proposed by delegates to the Convention making express reference to such treaty obligations.

7. The Committee expresses its hope that the Convention, in drafting economic and social provisions in the Charter, will take the opportunity to remind member States of their obligation to domestically apply the rights of the International Covenant on Economic, Social and Cultural Rights. Mentioning such international rights obligations in the explanatory notes to the Draft Charter articles will ensure their widest dissemination and encourage greater awareness of these existing international obligations. That opportunity should not be missed.

8. Finally, the Committee would like to reiterate its appreciation of the important work presently being undertaken by the Convention. Efforts to integrate all human rights and to ensure full justiciability for them, at the regional level, will be a major milestone towards the full realization of all human rights.

## ANNEX IX

## Letter dated 27 November 2000 from the Chairperson of the Committee on Economic, Social and Cultural Rights addressed to the Minister for Foreign Affairs of Nigeria through the Permanent Mission of Nigeria to the United Nations and Other International Organizations In Geneva

On behalf of the Committee on Economic, Social and Cultural Rights I wish to draw your attention to the concluding observations adopted by the Committee at its eighteenth session (27April-15 May 1998)[a] with respect to Nigeria's initial report. Your particular attention is drawn to paragraph 137 of these concluding observations which reads as follows: "The Committee recommends that a more positive and open dialogue between the Committee and the Nigerian Government can be undertaken, and maintained. The Government need not wait until its next report is due in five years' time; the Committee calls upon the Government to submit a comprehensive second periodic report, prepared in conformity with the Committee's guidelines, by 1 January 2000".

At its twenty-fourth session (13 November to 1 December 2000), the Committee, under its follow-up procedure, considered the status of implementation of its previously adopted recommendations and, with respect to Nigeria, found that as of this date the State party had not submitted its second periodic report called for in paragraph 137 of its concluding observations referred to above.

If the Government of Nigeria is experiencing difficulties in the preparation of its second periodic report, it may avail itself of the advisory services and technical assistance of the Office of the United Nations High Commissioner for Human Rights for the preparation of States parties' reports to be submitted under the International Covenant on Economic, Social and Cultural Rights.

The Committee has decided to request the State party to submit its second periodic report as soon as possible but not later than 1 November 2001.

A copy of the relevant concluding observations is attached for ease of reference.

Chairperson
Committee on Economic, Social and Cultural Rights

(*Signed*) Virginia Bonoan-Dandan

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[a] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/22-E/C.12/1998/26), chap. IV, paras. 96-138.

## ANNEX X

## Letter dated 1 December 2000 from the Chairperson of the Committee on Economic, Social and Cultural Rights addressed to Mr. Yaakov Levy, Permanent Representative of Israel to the United Nations Office and the Specialized Agencies in Geneva

The Committee on Economic, Social and Cultural Rights acknowledges receipt of the note verbale dated 3 November 2000 from the Permanent Mission of Israel to the United Nations Office at Geneva and notes that Israel's second periodic report, including issues referred to and information requested by the Committee in its concluding observations dated 4 December 1998,[a] will be ready for submission no later than March 2001.

The Committee reminds the State party, however, that the concluding observations requested the submission of additional information in time for the Committee's twenty-fourth session (13 November to 1 December 2000). Further, the Committee wishes to emphasize that some of the additional information, especially the material concerning the occupied territories, was requested "in order to complete the State party's initial report and thereby ensure full compliance with its reporting obligations" (para. 258). Given the current crisis in Israel and the occupied territories, it is particularly unfortunate that Israel did not provide the additional information by the time requested.

In this regard, the Committee notes the report of the United Nations High Commissioner for Human Rights on her recent visit to the region (8-16 November 2000) (E/CN.4/2001/114) and is deeply concerned by accounts that Israel's recent actions in the occupied territories in violation of the international humanitarian law, have also resulted in the widespread and gross violations of Palestinians' economic, social and cultural rights.

Among the reports that are of grave concern to the Committee, the following are highlighted:

- Israeli military and security forces, both inside Israel and in the occupied Palestinian territory, have prevented medical aid and personnel from reaching injured Palestinians and has attacked clearly marked medical vehicles and personnel;

- Children travelling to and from school have come under Israeli fire and many schools in the occupied Palestinian territory have been forced to close;

- Israeli forces have destroyed many acres of Palestinian agricultural land in the occupied Palestinian territory;

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[a] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/22-E/C.12/1998/26), chap. IV, paras. 228-272.

- Unemployment in the occupied Palestinian territory has tripled during the crisis, causing severe economic hardship especially for the most vulnerable and disadvantaged groups in the population;

- The incidence of house demolition and land confiscation in the occupied Palestinian territory has increased, including the destruction of civilian homes through the use of heavy weapons;

- The Israeli authorities have imposed widespread restrictions on the movement of people and goods, including food, medical supplies and fuel.

In light of all the circumstances, its concluding observations and the current crisis in Israel and the occupied territories, the Committee resolved at its twenty-fourth session to consider at its next session the situation in the occupied Palestinian territory, with a view to assisting the State party conform to its obligations under the International Covenant on Economic, Social and Cultural Rights.

Accordingly, the Committee urges Israel to submit up-to-date information on economic, social and cultural rights in the occupied territories by 1 March 2001. This information should give particular attention to the issues concerning the occupied territories that were identified in the concluding observations, as well as those mentioned in this letter. The Committee will consider the additional information, and any other reliable material with which it is provided, on 4 May 2001 (between 3 and 6 p.m.). The Committee invites the State party to participate in this discussion.

To avoid any doubt, the Committee confirms that Israel should also separately submit its comprehensive second periodic report no later than 31 March 2001, as indicated in the State party's recent note verbale. The meeting on the afternoon of 4 May 2001, however, will focus on economic, social and cultural rights in the occupied territories.

In the meantime, the Committee urges Israel to comply fully with its obligations under the Covenant and looks forward to engaging in a constructive dialogue with the State party at its twenty-fifth session.

Chairperson
Committee on Economic, Social and Cultural Rights

(*Signed*) Virginia Bonoan-Dandan

# ANNEX XI

## A. List of States parties' delegations which participated in the consideration of their respective reports by the Committee on Economic, Social and Cultural Rights at its twenty-second session

| | | |
|---|---|---|
| GEORGIA | *Representative*: | Ms. Rusudan Beridze<br>Deputy Secretary of the National<br>Security Council on Human Rights |
| | *Advisers*: | Mr. Mikheil Jibuti<br>Deputy Minister of Health and Social<br>Protection Issues |
| | | Mr. Amiran Kavadze<br>Ambassador Extraordinary and Plenipotentiary<br>Permanent Representative of Georgia to the<br>United Nations Office at Geneva |
| | | Ms. Nino Kobakhidze<br>First Deputy Minister of Culture |
| | | Mr. Alexander Kavsadze<br>Minister Plenipotentiary<br>Permanent Mission of Georgia to the United Nations<br>Office at Geneva |
| | | Mr. Teimuraz Bakradze<br>Minister Plenipotentiary<br>Permanent Mission of Georgia to the United Nations<br>Office at Geneva |
| ITALY | *Representative*: | Mr. Claudio Moreno<br>Ambassador<br>Ministry of Foreign Affairs |
| | *Advisers*: | Mr. Giuseppe Calvetta<br>First Counsellor<br>Permanent Mission of Italy to the United Nations<br>Office at Geneva |
| | | Mr. Luigi Citarella<br>General Secretary of the Interministerial Committee<br>on Human Rights |

| | | |
|---|---|---|
| | | Mr. Michele Dau<br>Expert<br>National Council on the Economy and Labour |
| | | Ms. Franca Polsinelli<br>Expert<br>Ministry of Labour |
| | | Ms. Enrica Arnaturo<br>Expert<br>Department of Social Affairs |
| | | Mr. Piero Zocchi<br>Ministry of Public Education |
| EGYPT | *Representative*: | Mr. Sana Khalil<br>State Counsellor<br>Deputy Minister of Justice |
| | *Advisers*: | Mr. Ibrahim Salama<br>Counsellor<br>Chargé d'Affaires<br>Deputy Permanent Representative of Egypt<br>to the United Nations Office at Geneva |
| | | Mr. Mohamed Tawfik<br>Counsellor<br>Permanent Mission of Egypt to the<br>United Nations Office at Geneva |
| | | Mr. Ashraf Soltan<br>Second Secretary, Human Rights<br>Ministry of Foreign Affairs |
| | | Mr. Mohamed Mounir Loutfy<br>Attaché<br>Permanent Mission of Egypt to the<br>United Nations Office at Geneva |
| REPUBLIC OF THE CONGO | *Representative*: | Mr. Roger Julien Menga<br>Ambassador<br>Permanent Representative of the Republic<br>of the Congo to the United Nations Office at Geneva |

*Advisers*: Mr. Maurice Massengo-Tiasse
National Counsellor
Chargé de mission to the Presidency of the Republic

Ms. Quionie Rebecca Oba Omoali
Director for Human Rights
Ministry of Justice

Mr. Massamba
Chief of Division, Legal Affairs
Ministry of Foreign Affairs, Cooperation and the Francophonie

Mr. José Kombo
Administrative and Financial Adviser
Ministry of Economics, Finance and the Budget

Mr. Jean-François Tchitembo
Director of Workplace Regulation
Ministry of Labour and Social Security

Ms. Jacqueline Nzalankazi
Economic and Financial Adviser for the Minister of Post and Telecommunications

**B. List of States parties' delegations which participated in the consideration of their respective reports by the Committee on Economic, Social and Cultural Rights at its twenty-third session**

| | | |
|---|---|---|
| JORDAN | *Representative*: | Mr. Shehab A. Madi<br>Ambassador<br>Permanent Representative of Jordan to the United Nations Office at Geneva |
| | *Advisers*: | Mr. Ibrahim Harb El-Muhaisen<br>Director<br>Institute for Legal Training, Amman |
| | | Mr. Haled Takhaineh<br>Amman |
| | | Ms. Saja Majali<br>Third Secretary<br>Permanent Mission of Jordan to the United Nations Office at Geneva |
| SUDAN | *Representative*: | Mr. Ibrahim Mirghani Ibrahim<br>Ambassador<br>Permanent Representative of Sudan to the United Nations Office at Geneva |
| | *Advisers*: | Mr. Omer Mohamed Ahmed Siddig<br>Ambassador<br>Deputy Permanent Representative of Sudan to the United Nations Office at Geneva |
| | | Mr. Hassan Iasa Hassan Talib<br>Minister Plenipotentiary<br>Ministry of Foreign Affairs, Khartoum |
| | | Mr. Yassir Sid Ahmed<br>Counsellor<br>Ministry of Justice, Khartoum |
| | | Mr. Omar Ahmed Gadour<br>Ministry of the Interior, Khartoum |

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|---|---|---|
| | | Ms. Aisha Abdel Majeed Imam<br>Legal Chancellor<br>Ministry of Justice, Khartoum |
| | | Mr. Ahmed El Hassan Yassir Seed<br>Ministry of Justice, Khartoum |
| KYRGYZSTAN | *Representative*: | Mr. Mouktar Joumaliev<br>First Secretary<br>Permanent Mission of Kyrgyzstan<br>to the United Nations Office at Geneva |
| | *Advisers*: | Mr. Manas Oussekeev<br>Attaché<br>Permanent Mission of Kyrgyzstan to the<br>United Nations Office at Geneva |
| AUSTRALIA | *Representative*: | Mr. Leslie Luck<br>Ambassador Extraordinary and Plenipotentiary<br>Permanent Representative of Australia<br>to the United Nations Office at Geneva |
| | *Advisers*: | Mr. Peter Vaughan<br>First Assistant Secretary<br>Department of Prime Minister and Cabinet, Canberra |
| | | Ms. Jan Bennett<br>Assistant Secretary<br>Population Health Division, Department of Health<br>and Aged Care, OECD, Paris |
| | | Ms. Karen Freedman<br>Director<br>Department of Health and Aged Care, Paris |
| | | Mr. Chris Foster<br>Minister-Counsellor<br>Australian Mission to the OECD, Paris |
| | | Mr. Peter Heyward<br>Counsellor<br>Deputy Permanent Representative of Australia to the<br>United Nations Office at Geneva |

Ms. Robyn Bicket
Counsellor, Immigration
Permanent Mission of Australia to the
United Nations Office at Geneva

Mr. Kerry Kutch
Counsellor, Development
Permanent Mission of Australia to the
United Nations Office at Geneva

Ms. Jennifer Meehan
First Secretary
Permanent Mission of Australia to the
United Nations Office at Geneva

Mr. Lloyd Brodrick
First Secretary
Permanent Mission of Australia to the
United Nations Office at Geneva

Ms. Nicoli Maning-Campbell
Department of Foreign Affairs and Trade,
Canberra

## C. List of States parties' delegations which participated in the consideration of their respective reports by the Committee on Economic, Social and Cultural Rights at its twenty-fourth session

| | | |
|---|---|---|
| PORTUGAL | *Representative*: | Mr. José Manuel Dos Santos Pals<br>Attorney-General<br>Head of the Portuguese delegation |
| | *Advisers*: | Ms. Lina Neto<br>Deputy Director-General for European Affairs and International Relations, Ministry of Finance |
| | | Ms. Catarina Albuquerque<br>Expert<br>Bureau of Documentation and Comparative Law<br>Office of the Attorney-General of the Republic |
| | | Ms. Romualda Fernandes<br>Assessor<br>Office of the High Commissioner for Immigration and Ethnic Minorities |
| | | Ms. Maria Virginia Bras Gomes<br>Head of Division<br>Directorate-General of Social Action,<br>Department of Labour and Solidarity |
| | | Ms. Glaucia Varzielas<br>Head of Division<br>Directorate-General of Social Security Plans,<br>Department of Labour and Solidarity |
| | | Ms. Paula Figueiredo<br>Chief Assessor<br>Directorate-General of Workplace Conditions<br>Department of Labour and Solidarity |
| | | Ms. Regina Tavares da Silva<br>Chief Assessor<br>Commission on the Equality and Rights of Women |
| | | Ms. Maria José Lemos Damiao<br>Principal Expert<br>Office of European Affairs and International Relations<br>Ministry of Education |

Ms. Amelia Esparteiro Leitão
Chief, Public Health Service,
Directorate-General of Health
Ministry of Health

Mr. José Cristino Joana
Chief Assessor, General Secretariat
Ministry of Culture

Mr. Carlos Botelho
Chairman of the Board
Institute for the Management and Alienation of State
Residential Property

Mr. José Julio Pereira Gomes
Counsellor
Deputy Permanent Representative of Portugal to the
United Nations Office at Geneva

FINLAND *Representative*: Ms. Riitta Kaivosoja
Head of Delegation
Counsellor to the Government,
Ministry of Education

*Advisers*: Ms. Tuula Majuri
Counsellor on Legislation
Ministry of Justice

Mr. Mikko Cortés Téllez
Planning Officer
Ministry of Education

Ms. Riitta-Maija Jouttimaki
Ministerial Adviser
Ministry of Social Affairs and Health

Ms. Ulla Liukkenen
Administrator, Legal Affairs
Ministry of Labour

Ms. Krista Oinonen
Legislative Secretary
Ministry of Foreign Affairs

| | | |
|---|---|---|
| BELGIUM | *Representative*: | Mr. Jean-Marie Noirfalisse<br>Ambassador Extraordinary and Plenipotentiary<br>Permanent Representative of Belgium to the<br>United Nations Office at Geneva |
| | *Advisers*: | Mr. M. Léopold Merckx<br>Minister Counsellor<br>Deputy Permanent Representative of Belgium to the<br>United Nations Office at Geneva |
| | | Mr. Philippe Nayer<br>Counsellor<br>Delegate of the Communauté française de Belgique et de la Région wallonne<br>Permanent Mission of Belgium to the<br>United Nations Office at Geneva |
| | | Mr. De Neve<br>Director-General<br>Federal Ministry of Labour and Employment, Brussels |
| | | Mr. F. Vandamme<br>General Counsel<br>Federal Ministry of Labour and Employment, Brussels |
| | | Mr. Donis<br>Counsellor<br>Federal Ministry for Social Affairs, Health and Environment, Brussels |
| | | Mr. Karl Van Den Bossche<br>Attaché<br>Permanent Mission of Belgium to the<br>United Nations Office at Geneva |
| | | Ms. Delval<br>Administrative Assistant<br>Federal Ministry of Labour and Employment, Brussels |
| MOROCCO | *Representative*: | Mr. Nacer Benjelloun-Touimi<br>Ambassador<br>Permanent Representative of Morocco to the<br>United Nations Office at Geneva |

*Advisers*: Mr. Driss Belmahi
Director of Cooperation and Human Rights
Ministry of Human Rights

Mr. Driss Dadsi
Director of Social Development
Ministry of Employment, Professional Training, Social Development and Solidarity

Ms. Zakia El Midaoui
Counsellor (ILO and WTO)
Permanent Mission of Morocco to the United Nations Office at Geneva

Ms. Jalila Hoummane
Counsellor, Human Rights
Permanent Mission of Morocco to the United Nations Office at Geneva

Mr. Lotfi Bouchaara
First Secretary (UNHCR and IOM)
Permanent Mission of Morocco to the United Nations Office at Geneva

Ms. Hynd Ayoubi Idrissi
Professor of Law
Expert with the Ministry of Human Rights

# ANNEX XII

## A. List of documents of the Committee at its twenty-second session

| | |
|---|---|
| E/1990/5/Add.37 | Initial reports submitted by States parties to the Covenant: Georgia |
| E/1990/5/Add.38 | *Idem*: Egypt |
| E/1990/6/Add.17 | Second periodic reports submitted by States parties to the Covenant: Jordan |
| E/1994/104/Add.19 | Third periodic reports submitted by States parties to the Covenant: Italy |
| E/1994/104/Add.20 | *Idem*: Portugal |
| E/2000/22 and Corr. 1 | Report of the Committee on its twentieth and twenty-first sessions |
| E/C.12/1 | Concluding observations of the Committee on reports submitted by States parties in accordance with articles 16 and 17 of the Covenant: note by the Secretary-General |
| E/C.12/1990/4/Rev.1 | Rules of procedure of the Committee |
| E/C.12/1993/3/Rev.4 | Status of the International Covenant on Economic, Social and Cultural Rights and reservations, withdrawals, declarations and objections under the Covenant: note by the Secretary-General |
| E/C.12/2000/1 | Provisional agenda and annotations: note by the Secretary-General |
| E/C.12/2000/2 | States parties to the International Covenant on Economic, Social and Cultural Rights and the status of the submission of reports in accordance with the programme established by the Economic and Social Council in resolution 1988/4 and article 58 of the rules of procedure of the Committee: note by the Secretary-General |

| | |
|---|---|
| E/C.12/2000/3 | Follow-up to the consideration of reports under articles 16 and 17 of the Covenant: note by the secretariat |
| E/C.12/2000/4 | General Comment No. 14 (2000): The right to the highest attainable standard of health (art. 12 of the Covenant) |
| E/C.12/2000/L.1/Rev.1 | Programme of work: note by the Secretary-General |
| E/C.12/2000/SA/1 | Note by the Secretary-General: twenty-seventh report of the International Labour Organization |
| E/C.12/Q/EGY/1 | *Idem*: Egypt |
| E/C.12/Q/GEO/1 | List of issues: Georgia |
| E/C.12/Q/ITA/1 | *Idem*: Italy |
| E/C.12/Q/JOR/1 | *Idem*: Jordan |
| E/C.12/Q/POR/1 | *Idem*: Portugal |
| E/C.12/1/Add.42 | Concluding observations of the Committee: Georgia |
| E/C.12/1/Add.43 | *Idem*: Italy |
| E/C.12/1/Add.44 | *Idem*: Egypt |
| E/C.12/1/Add.45 | *Idem*: Republic of the Congo (non-reporting State) |
| E/C.12/2000/ SR.1-27/Add.1 and E/C.12/2000/ SR.1-27/ Corrigendum* | Summary records of the twenty-second session (1st to 26th meetings) of the Committee |

* The twenty-second session having been concluded at the 26th meeting, the 27th meeting was thereby cancelled.

## B. List of documents of the Committee at its twenty-third session

| | |
|---|---|
| E/1990/5/Add.41 | Initial reports submitted by States parties to the Covenant: Ireland |
| E/1990/5/Add.42 | *Idem*: Kyrgyzstan |
| E/1990/6/Add.17 | Second periodic reports submitted by States parties to the Covenant: Jordan |
| E/1994/104/Add.21 | Third periodic reports by States parties to the Covenant: Mongolia |
| E/1994/104/Add.22 | *Idem*: Australia |
| E/2000/22 and Corr.1 | Report of the Committee on its twentieth and twenty-first sessions |
| E/C.12/1 | Concluding observations of the Committee on reports submitted by States parties in accordance with articles 16 and 17 of the Covenant: note by the Secretary-General |
| E/C.12/1990/4/Rev.1 | Rules of procedure of the Committee |
| E/C.12/1993/3/Rev.4 | Status of the International Covenant on Economic, Social and Cultural Rights, and reservations, withdrawals, statements and objections under the Covenant: note by the Secretary-General |
| E/C.12/2000/3 | Follow-up to the consideration of reports under articles 16 and 17 of the Covenant: note by the secretariat |
| E/C.12/2000/5 | Provisional agenda and annotations: note by the Secretary-General |
| E/C.12/2000/6 | Participation of non-governmental organizations in the activities of the Committee on Economic, Social and Cultural Rights: note by the secretariat |

| | |
|---|---|
| E/C.12/2000/7 | States parties to the International Covenant on Economic, Social and Cultural Rights and the status of submission of reports in accordance with the programme established by the Economic and Social Council in its resolution 1988/4 and article 58 of the rules of procedure of the Committee: note by the Secretary-General |
| E/C.12/2000/8 | [Symbol not used] |
| E/C.12/2000/L.2/Rev.1 | Programme of work: note by the Secretary-General |
| E/C.12/AUSTRAL/1 | List of issues: Australia |
| E/C.12/Q/JOR/1 | *Idem*: Jordan |
| E/C.12/Q/KYRG/1 | *Idem*: Kyrgyzstan |
| E/C.12/Q/MONG/1 | *Idem*: Mongolia |
| E/C.12/Q/SUD/1 | *Idem*: Sudan |
| E/C.12/1/Add.46 | Concluding observations of the Committee: Jordan |
| E/C.12/1/Add.47 | *Idem*: Mongolia |
| E/C.12/1/Add.48 | *Idem*: Sudan |
| E/C.12/1/Add.49 | *Idem*: Kyrgyzstan |
| E/C.12/1/Add.50 | *Idem*: Australia |
| E/C.12/2000/SR.28-55/Add.1 and E/C.12/2000/ SR.28-55/Add.1/Corrigendum | Summary records of the twenty-third session (28th to 55th meetings) of the Committee |

## C. List of documents of the Committee at its twenty-fourth session

| | |
|---|---|
| E/1990/6/Add.18 | Second periodic reports submitted by States parties to the Covenant: Belgium |
| E/1990/6/Add.20 | *Idem*: Morocco |
| E/1990/6/Add.22 | *Idem*: Yugoslavia |
| E/1994/104/Add.20 | Third periodic reports by States parties to the Covenant: Portugal |
| E/C.12/4/Add.1 | Fourth periodic reports by States parties to the Covenant: Finland |
| E/2000/22 and Corr.1 | Report of the Committee on its twentieth and twenty-first sessions |
| E/C.12/1 | Concluding observations of the Committee on reports submitted by States parties in accordance with articles 16 and 17 of the Covenant: note by the Secretary-General |
| E/C.12/1989/L.3/Rev.3 | Note by the Secretary-General |
| E/C.12/1990/4/Rev.1 | Rules of procedure of the Committee |
| E/C.12/1993/3/Rev.4 | Status of the International Covenant on Economic, Social and Cultural Rights and reservations, withdrawals, declarations and objections under the Covenant: note by the Secretary-General |
| E/C.12/2000/3 | Follow-up to the consideration of reports under articles 16 and 17 of the Covenant: note by the secretariat |
| E/C.12/2000/9 | Provisional agenda and annotations: note by the Secretary-General |
| E/C.12/2000/10 | States parties to the International Covenant on Economic, Social and Cultural Rights and status of the submission of reports in accordance with the programme established by the Economic and Social Council in its resolution 1988/4 and article 58 of the rules of procedure of the Committee: note by the Secretary-General |
| E/C.12/2000/11 | [Symbol not used] |

| | |
|---|---|
| E/C.12/2000/12 | Discussion paper submitted by Ms. Audrey Chapman, American Association for the Advancement of Science: "Approaching intellectual property as a human right: obligations related to article 15, paragraph 1 (*c*)" |
| E/C.12/2000/13 | Background paper submitted by the International Commission of Jurists: "The Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights; The Maastricht Guidelines on Violations of Economic, Social and Cultural Rights" |
| E/C.12/2000/14 | Background paper submitted by Ms. Mylène Bidault, University of Geneva and University of Paris X - Nanterre: "La protection des droits culturels par le Comité des droits économiques, sociaux et culturels" |
| E/C.12/2000/15 | Background paper submitted by Maria Green, International Anti-Poverty Law Center, United States of America: "Drafting history of the article 15 (1) (*c*) of the International Covenant on Economic, Social and Cultural Rights" |
| E/C.12/2000/16 | Background paper submitted by Mr. Patrice Meyer-Bisch, (University of Fribourg, Switzerland): "Protection of cultural property: an individual and collective right" |
| E/C.12/2000/17 | Background paper submitted by the Aboriginal and Torres Strait Islander Commission, Australia: "Protecting the rights of Aboriginal and Torres Strait Islander traditional knowledge" |
| E/C.12/2000/18 | Background paper submitted by the secretariat of the World Trade Organization: "Protection of intellectual property under the Agreement on Trade-Related Aspects of Intellectual Property Rights" |
| E/C.12/2000/19 | Working draft presented by Mr. Wend Wendland, Senior Legal Officer, WIPO: "Intellectual property and human rights" |
| E/C.12/2000/20 | Background paper submitted by Ms. Caroline Dommen, 3D Associates: "Economic, social and cultural rights and WTO work on intellectual property rights - current processes and opportunities" |

| | |
|---|---|
| E/C.12/2000/L.3/Rev.1 | Programme of work: note by the Secretary-General |
| E/C.12/Q/BELG/1 | List of issues: Belgium |
| E/C.12/Q/FIN/2 | *Idem*: Finland |
| E/C.12/Q/MOR/1 | *Idem*: Morocco |
| E/C.12/Q/POR/1 | *Idem*: Portugal |
| E/C.12/Q/YUG/1 | *Idem*: Yugoslavia |
| E/C.12/1/Add.52 | Concluding observations of the Committee: Finland |
| E/C.12/1/Add.53 | *Idem*: Portugal |
| E/C.12/1/Add.54 | *Idem*: Belgium |
| E/C.12/1/Add.55 | *Idem*: Morocco |
| E/C.12/2000/ SR.56-84 and E/C.12/2000/ SR.56-84/Corrigendum | Summary records of the twenty-fourth session (56th to 84th meetings) of the Committee |

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